



# **PLANNING COMMITTEE**

**WEDNESDAY 22 JULY 2009**

**PLANNING APPLICATIONS RECEIVED**

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**APPLICATIONS**

**WEDNESDAY 22<sup>nd</sup> JULY 2009**

**PLANNING APPLICATIONS RECEIVED**

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**PLANNING COMMITTEE**

**WEDNESDAY 22<sup>nd</sup> JULY 2009**

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## SECTION 1 – MAJOR APPLICATIONS

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Item: 1/01

**NORTH HARROW ASSEMBLY HALL, P/2376/08/DC3/MAJ  
STATION ROAD, NORTH HARROW**

Ward HEADSTONE SOUTH

DEMOLITION OF BUILDINGS, CONSTRUCTION OF COMMUNITY CENTRE INCLUDING SPORTS HALL, GYM, PRAYER HALL FOR UP TO 200 PEOPLE, LIBRARY, CHILDRENS PLAY CENTRE, CAFÉ/RESTURANT, 24 BED NURSING HOME AND 8 FLATS

**Applicant:** BW Foundation

**Agent:** Howard J Green

**Statutory Expiry Date:** 06-OCT-08

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### RECOMMENDATION

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

1. The proposed development, by reason of failing to address all of the requirements of the exception test of Planning Policy Statement 25 (PPS25), would result in an unsafe development in an area with a high probability of flooding and is likely to result in flood risk elsewhere contrary to PPS25, policy 4A.12 of the London Plan 2008 and policy EP11 of the Harrow Unitary Development Plan 2004.
2. The proposed development, by reason of excessive bulk, massing and footprint, would appear unduly bulky, obtrusive, overbearing and over dominant and would have a detrimental effect on the amenities of neighboring occupiers at numbers 49, 51, 53 and 55 Cumberland Road and number 38 Canterbury Road contrary to policies 4B.1 of the London Plan 2008, D4, and D5 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance: Designing New Development (March 2003) and Supplementary Planning Guidance: Extensions a Householders Guide (March 2008).
3. The proposed development, by reason of excessive site coverage by buildings, hard-surfaced areas and increase in on-street parking with associated disturbance and general activity, lack of green space and loss of trees, would be an over-intensive use, and amount to an overdevelopment of the site to the detriment of neighboring residential amenity, the free flow and safety of vehicular traffic and pedestrians on the public highway and to the character and appearance of the area, contrary to policies 4B.1 of The London Plan 2008, D4, D5, D9, D10, T6, T13 and EP25 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance Designing New Development (March 2003) and Supplementary Planning Guidance: Extensions a Householders Guide (March 2008).

### INFORMATIVES:

- 1 The applicant is advised that any new or revised planning application, for a similar development proposal for this site, will need to be accompanied by a sequential test demonstrating compliance with policies SEM2 and EM5 of the Harrow Unitary Development Plan 2004.

The following policies are relevant to this decision:

**Policies:**

**National Guidance:**

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPS6 – Town Centres  
PPG13 – Transport  
PPG24 - Noise  
PPS25 – Flood Risk

**The London Plan 2008:**

3A.1 – Increasing London's supply of housing  
3A.2 – Borough housing targets  
3A.3 – Maximising the potential of sites  
3A.5 – Housing choice  
4A.1 – Tackling climate change  
4A.7 – Renewable energy  
4A.12 - Flooding  
4A.14 – Sustainable drainage  
4A.16 – Water supplies and resources  
4A.21 – Waste strategic policy and targets

**Supplementary Planning Guidance:**

Harrow's Sustainable Community Strategy (March 2009)  
London Plan Supplementary Planning Guidance (March 2008)  
Sustainable Design & Construction: The London Plan Supplementary Planning Guidance (May 2006)  
Access For All Supplementary Planning Document (April 2006)  
Accessible Homes Supplementary Planning Document (April 2006)  
Supplementary Planning Guidance: Designing New Development (March 2003)  
Supplementary Planning Guidance: Extensions a Householders Guide (March 2008).

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Principle of Development (S1)
- 2) Flood Risk (4A.12) (EP11)
- 3) Design and Character of Area (4B.1) (D4, D9, D10, D29, D30)
- 4) Residential Amenity (D4, D5, EP25)
- 5) Provision of Community & Leisure Facilities (C2, C10, C11, C16, C17, R13)
- 6) Traffic Impact and Highway Safety (T6, T13)
- 7) Town Centre Vitality & Viability (SEM2, EM5)
- 8) Sustainable Design & Renewable Energy (4A.1, 4A.2, 4A.7, 4A.14 4A.16, 4A.21) (EP15, EP20, D4)
- 9) Lifetime Homes & Access For All (3A.5) (D4, C16, C17)
- 10) Housing Provision & Density (3A.1, 3A.2, 3A.3) (H11, H14)
- 11) S17 Crime & Disorder Act (D4)
- 12) Consultation Responses

## **INFORMATION**

This application was previously presented to the Strategic Planning Committee on the 2<sup>nd</sup> October 2008 with an officer's recommendation for refusal. The application was deferred at the Committee's request for officers to further work through the outstanding issues with the applicant.

The October 2008 committee report the reasons for refusal were as follows:

1. The proposed development, by reason of excessive bulk, massing, footprint, and inappropriate design would appear unduly bulky, obtrusive, overbearing and over dominant and would detract from the established pattern/character of existing development in the vicinity and would have a detrimental effect on the character and appearance of the street scene and the amenities of neighbouring occupiers contrary to policies 4B.1 of the London Plan 2004, D4, and D5 of the Harrow Unitary Development Plan 2004, and Supplementary Planning Guidance: Designing New Development.
2. The proposed development would, by reason of excessive site coverage by buildings, hard-surfaced areas and parking with associated disturbance and general activity, lack of green space and loss of trees, be an over-intensive use, and amount to an overdevelopment of the site to the detriment of neighbouring residents and the character and appearance of the area, contrary to policies 4B.1 of The London Plan, D4, D5, D9, D10, EP25 of the Harrow Unitary Development Plan 2004, and Supplementary Planning Guidance Designing New Development (March 2003).
3. The proposed development, by reason of habitable room windows on the side elevation facing neighbouring properties on Cumberland Road, would result in overlooking of neighbouring habitable room windows and rear garden amenity areas to the detriment of neighbouring privacy and amenity contrary to policies D4, D5 of the Harrow Unitary Development Plan 2004, 4B.1 of The London Plan 2004 and Supplementary Planning Guidance Designing New Development (March 2003).
4. The Flood Risk Assessment (FRA) provided in support of the application does not satisfy the Environment Agency that the development meets the requirements of Planning Policy Statement 25 (PPS 25): Development and Flood Risk contrary to policy EP11 of the Harrow Unitary Development Plan 2004.
5. The proposed development by reason of an over intensive use of the site would result in a significant increase in on street parking to the detriment of the free flow and safety of vehicular traffic and pedestrians on the public highway, contrary to policies D4, T6 and T13 of the HUDP 2004.
6. The proposed development, by reason of failing to demonstrate through a sequential approach that the proposed development would not adversely affect the vitality and viability of the North Harrow District Centre, would result in an inappropriate edge of centre development contrary to policy EM5 of the HUDP 2004.

7. The proposed development by reason of non-provision of children's play space for the residential element of the development would result in inadequate amenity for future children and young persons occupying the development contrary to policies 4B.1 of the London Plan, D5 of the HUDP 2004 and Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation (March 2008).

8. The proposed development makes insufficient bin provision for the nursing home element, contrary to policy D4 of the HUDP 2004

After nine months of negotiations reasons 3, 6, and 8 have been largely resolved. Reason 7 was removed from the list on the night of the committee due to policy clarification from GLA officers on this issue. However key issues with the proposed development remain unresolved and are discussed in detail in this report.

**a) Summary**

|                        |  |
|------------------------|--|
| Statutory Return Type: | Major Development, all other   |
| Site Area:             | 0.35 ha  |
| Density:               | 123hrph, 86dph   |
| Car Parking:           |  |
| • Residential Use      | Standard: 10<br>Justified: 8<br>Provided: 8  |
| • Nursing Home         | Standard: N/A<br>Justified: See report<br>Provided: 2                                |
| • Community Use        | Standard: 1 space per 300-600m <sup>2</sup><br>Justified: See report<br>Provided: 32 |
| Lifetime Homes:        | 8  |
| Wheelchair Standards:  | N/A  |
| Council Interest:      | None   |

**b) Site Description**

- Site located to the northern edge of the North Harrow District Centre;
- Existing single storey assembly hall built in late 1930's and is a series of Nissen Huts with gross floor area of 400m<sup>2</sup> and ancillary parking for up to 27 cars;
- Proposal site also includes a pair of semi-detached houses at numbers 34 and 36 Canterbury Road (residential use) and another pair of semi-detached houses at numbers 37 and 39 Gloucester Road (used as nursery);
- Petrol filling station directly across Station Road to the west;
- To the north, south and east are 2-storey residential semi-detached properties on Canterbury Road, Cumberland Road and Gloucester Road;
- Down Station Road at its junction with Pinner Road is the Genesis Housing Association development on the site of the former bowling alley and Safeway supermarket;
- North Harrow District Centre with shopping and other services approximately 85m from site;
- North Harrow underground station on the metropolitan line approximately 250m from site;

- Station Road to the front of the site is a designated borough distributor road;
- Site located within an area with a high probability of flooding (flood risk area zone 3a) with the Yeading Brook in the form of a culvert running through the middle of the site.

**c) Proposal Details**

- Demolition of existing pairs of semi-detached houses at 34 & 36 Canterbury Road and 37 & 39 Gloucester Road;
- Demolition of existing North Harrow Assembly Hall;
- Redevelopment to provide 3-storey mixed used community centre with ancillary facilities and multi level basement floor space;
- Sports hall at basement 2 level to provide 5 a side football pitch that can also be used as 4 badminton courts;
- Provision of both male and female gym areas;
- Provision of beauty salon;
- Prayer room at ground floor level capable of accommodating 200 people;
- Provision of children's play centre;
- Library at first floor level in central section;
- 3 seminar rooms at basement 2 level
- Restaurant/café at ground floor level ancillary to the community centre use;
- 8 flats in northern part of development comprised of 2x2 bedroom flats and 6x1 bedroom flats;
- 24 bed nursing home in southern part of development;
- Basement parking for 42 cars below southern block with 8 spaces allocated to flats, 2 spaces to the nursing home and remainder allocated for community centre use.

**d) Relevant History**

- None relevant.

**e) Pre Application Discussion**

- The applicant has presented pre-application proposals to the local planning authority on the 2/4/07, 23/4/07, 23/11/07, 5/12/07 and 13/12/07. The scheme has progressed over time, however the key points raised by the LPA on the proposed redevelopment of this site are as follows:
- Land Drainage Bylaws state that there should be no buildings within 5m of the Yeading Brook culvert. Site also within a flood plain so a Flood Risk Assessment would be required. Advised to discuss culvert situation further with the Environment Agency and Harrow Council Drainage Engineers;
- Redevelopment of existing community use is considered acceptable in principle;
- Loss of existing residential properties should be replaced with residential use within development;
- Nursing home element is acceptable in principle;
- Proposed contemporary design appears to be high quality architecture;
- The LPA has fundamental concerns about the capacity of this narrow and restricted site with regards to accommodating such a large scale development;

- Concerns with how the development relates to the character of the surrounding area and neighbouring buildings
- Concerns with overlooking and neighbouring amenity;
- Concerns with height, maximum of 3-storey's high would be more appropriate;
- Concerns with overall bulk of building and this needs to be reduced to minimise the impact in the street scene;
- Proposal would result in a substantial intensification in the use of the site and be a significant attraction;
- The preparation of a robust green travel plan will be critical to the success of the scheme;
- Parking provision of 1:1 for the residential element would seem appropriate;
- Require a clear picture of the range of events to be held at the site, with hours of use, numbers of persons attending etc to assess the potential traffic generation and parking impact;
- The proposal will need to comply with London Plan renewable energy requirements;
- The proposal will need to comply with the Lifetime Homes Standards, Wheelchair Homes Standards and Harrow Council SPD on Access For All;
- Security of the site of concern with a recessed front entrance, open frontage and recessed pedestrian entrance to rear all creating opportunities for crime with an overall lack of natural surveillance. Advised to adhere to principles and practices of Secured by Design and Safer Places;
- The proposal provides very little opportunities for landscaping.

**f) Applicant Statement**

- BW Foundation is a registered UK charity who purchased the North Harrow Assembly Hall off Harrow Council in 1992;
- The proposed redevelopment of the site would provide an important asset to the borough and the centre will be a landmark building in Harrow;
- The proposal would fulfil the aims of the Council's 2003 Cultural Strategy;
- Hall currently used every Friday midday for prayers attended by over 500 people;
- 8pm-10pm every Friday prayers are followed by a guest speaker which attracts between 150-250 people on average;
- Prayer meetings are held every evening at 8pm and at midday over the weekend that last for 30-45minutes and attended between 20 and 50 people;
- Hall is also used for a range of other uses such as exercise and yoga classes, mother and toddler groups, polling station, tutorial and educational meetings, Arabic culture and language classes;
- The centre usually closes by 10:30pm most evenings but sometimes can be later going into the early hours of the morning;
- The centre is therefore used extensively on a daily basis but is also other important dates within the Islamic calendar such as Ramadan and Muharram which both last for 30 days and attract between 150-350 people on a daily basis;
- In addition there are some social functions such as weddings that attract between 800-100 people;

- The redevelopment of the site would allow future occupants of the residential and nursing home elements access to considerable social activities;
- It is anticipated that with improved facilities and larger building capacity that the level of activity would be higher than what the existing hall attracts;
- Being a Muslim organisation, no alcoholic drink of any kind will ever be permitted on the premises in connection with any function even to an outside body;
- The level of activity associated with the children's play centre would be similar to that of the existing nursery use at 39 Gloucester Road;
- There has been extensive community consultation undertaken in line with PPS1 and PPS12 and 79% of respondents indicated they would find a new community centre useful, and only 19% of people felt that traffic generated would be an issue;
- A sequential test analysis concluded that there are not a sufficient number of alternative sites at less risk of flooding in the borough to deliver the boroughs housing target;
- The development would be highly sustainable incorporating a considerable number of energy saving and sustainability measures;
- None of the existing trees running along the eastern side of the boundary would be adversely affected and none of the existing trees on site are worthy of protection;
- Existing culvert is in generally good condition but in need of some repair;
- There is no evidence of any species of importance or significance on the site;
- The proposal is compliant with PPG17 as it is providing an easily accessible community recreation facility;
- The proposal would be fully accessible by persons with disabilities;
- Being close to the North Harrow District Centre the proposal would make a positive contribution to the vitality and viability of the town centre;
- The project will be a landmark building in Harrow.

**g) Consultations:**

Environment Agency: Objection – Flood Risk Assessment does not comply with the requirements of PPS25 and fails to adequately assess the risk to the site associated with flood flows from the Yeading Brook.

Thames Water: No objection, recommend that surface water be attenuated.

Metropolitan Police: No comment.

Headstone Residents Association: Objection – proposal totally out of keeping with the character of surrounding area; proposal represents an overdevelopment of the site; loss of light and overshadowing; loss of greenery and trees; increase in noise disturbance; increased pressure on parking, increase in traffic causing congestion and pollution problems; negative impact on amenity; concerns as to funding of the scheme and want guarantee development won't be left half finished.

Highways Authority: Objection – increased intensity of use of the site would encourage additional vehicular movement and injudicious on street parking to the detriment of the free flow and safety of vehicular traffic and pedestrians on the public highway.

**Advertisement:** Major Development Expiry: 14-AUG-08

**Notifications:**  
Sent: 509 Replies: 478 Expiry: 06-AUG-08

**Summary of Responses:**

**Those against: (274)**

Design of building out of character with surrounding area, proposal represents an overdevelopment of the site, not enough people consulted on application, would result in an increase in crime and vandalism in area, increase in noise disturbance to local residents as a result of the increase in capacity and facilities, adverse effect on street parking in surrounding residential streets, increase in traffic congestion, loss of houses which complement the character of the surrounding area undesirable, loss of light to neighbouring properties, building would appear imposing and overly dominant in the street, futuristic design not suitable in this locality, lack of parking spaces proposed, adverse effect on highway and pedestrian safety, increase in pollution, no need for community facilities of the size proposed, community facilities would have limited use and appeal by the wider non-Muslim community, loss of trees would have detrimental effect on appearance of the surrounding area, proposal seems more like a mosque than a community centre, already existing problems with illegal parking as a result of the prayer meetings at existing site, loss of green space/landscaped areas for a concrete building with excessive paving would detract from the suburban character of the area, no need for more cafes in north harrow, already have a library in north harrow, Station Road mosque is a Sunni mosque whereas north harrow assembly hall is used by Shia Muslims so there will not be a reduction in numbers attending prayers when the Station Road mosque is finished as the applicant suggests, access to centre would be restricted and not fully accessible to wider community.

**Those in support: (202)**

Centre will cater for Halal food, Islamic library, residential nursing homes for Muslims and segregated sports facilities for Muslim women, centre would provide much needed facilities for young people in North Harrow, positive example of Muslims trying to integrate into the community, existing facilities in need of upgrading, lack of existing leisure facilities in North Harrow, the proposed café is much needed in North Harrow, community centre would provide a place where people can meet and make new friends, proposal encourages healthy living and will help combat obesity problem which are on the rise in Britain, proposed scheme has taken on board concerns of neighbours and decreased the overall height and size of the building and increased the parking provision, the large increase in numbers visiting the site will stimulate local business and promote employment in the area, library containing Arabic and Islamic literature would be a welcome resource in the area which the current North Harrow Library does not cater for, the design of the proposal would create a landmark building for Harrow.

**NB:** An estimated 2,700 letters were sent directly to members with the majority of these being in support of the proposal. These figures may include double counting.

## **APPRAISAL**

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

Policy S1 of the Harrow Unitary Development Plan 2004 (HUDP) states:

*'The Council seeks to secure a form and pattern of development in the borough that accords with the principles of sustainable development, and achieves the following:*

- A) Development that reduces the need to travel and facilitates and encourages travel by more sustainable modes;*
- B) Full and effective use of land and buildings;*
- C) Conservation and enhancement of natural resources;*
- D) Development that minimises waste and reduces pollution; and*
- E) Increased social inclusion.'*

In addition to the above Planning Policy Statement 1 (PPS1) states:

*'The Government is committed to development strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities ...'*

And;

*'Planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted'*

Furthermore;

*'Development plan policies should take account of environmental issues such as:*  
*- The potential impact of the environment on proposed developments by avoiding new development in areas at risk of flooding and sea-level rise.'*

The principle of redeveloping this site is considered to be acceptable insofar as that it would provide a modern accessible community facility with a wide range of uses. However there are notable site constraints and key concerns with the proposed development that result in the proposal failing to adhere to the philosophy of PPS1 by delivering sustainable development. The reasons for this are discussed in more depth within this report.

### **2) Flood Risk**

Planning Policy Statement 25 (PPS25) states:

*'The aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk.'*

Furthermore it goes on to state:

*'Local planning Authorities should prepare and implement planning strategies that help to deliver sustainable development by ... working effectively with the Environment Agency, other operating authorities and other stakeholders to ensure that best use is made of their expertise and information so that plans are effective and decisions on planning applications can be delivered expeditiously.'*

Policy EP11 of the HUDP states:

*'Development within floodplains will not normally be permitted. Should circumstances arise where other material considerations outweigh the need to protect the natural function of the floodplain, developers will be required to incorporate adequate measures to ensure that their proposal would not lead to or increase the risk of flooding on-site or elsewhere.'*

Further, policy 4A.12 of the London Plan states:

*'Within areas at risk from flooding (flood zones) the assessment of flood risk for development proposals should be carried out in line with PPS25.'*

The application site lies with a Flood Risk Zone 3a area as defined by the Environment Agency's (EA's) flood risk maps. This is an area with a high probability of flooding. Given this site constraint any redevelopment must pass both the 'sequential test' and the 'exception test' under the requirements of PPS25.

The applicant has submitted a sequential test to demonstrate that there are no other reasonably available alternative sites in the borough to suit their development requirements. Based on the evidence submitted it appears as though no other suitable sites in a flood risk zone 1 or 2 area are reasonably available for their development requirements.

Having satisfied the sequential test the applicants then have to address the exception test under PPS25. For the exception test to be passed the proposed development must:

- a) demonstrate that it would provide wider sustainable benefits to the community that outweigh flood risk;
- b) be on developable, previously developed land or that there are no reasonable alternative sites;
- c) demonstrate through a flood risk assessment (FRA) that the development will be safe, without increasing flood risk elsewhere and where possible, will reduce flood risk overall.

It is considered that criteria a) and b) above are satisfied with the proposed development. With regards to a) the provision of a modern community facility would have significant benefits for the surrounding community. This point is discussed in greater detail later in this report. With regards to point b) the site is previously developed and the applicant has demonstrated that there are no reasonable alternative sites for this type of development through the sequential test. This then leaves point c).

The applicant has submitted an FRA in support of the application. Having received comments from the Environment Agency (EA) on these documents the EA have objected to the proposed development insofar as that it does not satisfactorily demonstrate that the development would be safe and would not result in the increase in flood risk elsewhere, therefore failing criteria c) of the exception test.

In addition to the above there are concerns and an objection in principle to the building being built around and over the Yeading Brook Culvert. The proposed development shows a 2m buffer zone either side of the Yeading Brook culvert with the ground and basement floor elements built either side of the culvert with a 1<sup>st</sup> floor element built over the culvert itself.

The EA have objected to the principle of building over and adjacent to the Yeading Brook culvert which runs through the centre of the site. As a general rule no development should be located within 8m either side of a river or 5m from an ordinary watercourse. Harrow Council drainage engineers support this stance and have stated that a 5m buffer would be acceptable as the culvert is classified as an ordinary watercourse. The proposed development would be built over the culvert however this would severely restrict maintenance access to the culvert particularly for machinery. Further, the layout of the proposal would also mean that any repair or maintenance of the culvert running through the site would need to be accessed from adjacent land which could complicate the enforcing of Harrow's Land Drainage Bylaws.

Given the above objections it is clear that the proposed development would represent inappropriate development in an area with a high probability of flooding. The proposal fails to address the requirements of the exception test and would result in an unsafe development that is likely to result in flood risk elsewhere contrary to PPS25, policy 4A.12 of the London Plan 2008 and policy EP11 of the HUDP 2004.

### **3) Design & Character of Area**

The proposed development is considered to represent an overdevelopment of the site and would be out of scale with the surrounding street scene.

On its own merits the design of the proposed building represents high quality contemporary architecture incorporating sustainable concepts and Islamic influences in its overall approach. The result is a futuristic, sleek looking modern building. It is considered that this design approach would be quite different to any other development in the locality, but the development is considered to be appropriate in this setting.

However the areas of concern regarding the proposed building relate to the scale, bulk, form and massing of the proposal. In this respect the proposal is considered inconsistent to 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 Planning Policy Statement 1 (PPS1), which states that: *'development should respond to their local context and create or reinforce local distinctiveness.'*

The character of the surrounding area is mostly semi-detached 2-storey residential houses, particularly on Canterbury Road, Gloucester Road and Cumberland Road. The character of Station Road is mixed. Heading toward the junction with Pinner Road consists of the 3-4 storey mixed use Genesis Housing development, the 2-storey North Harrow Nursery and the 2-3 storey retail properties on Pinner Road itself. Directly across Station Road is a petrol filling station and MOT garage. Surrounding the existing site heading north and west are predominantly semi-detached 2-storey houses.

Explanatory paragraph 4.10 of HUDP policy D4 states that '*development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces*'.

It is considered that despite the high quality of the contemporary design of the proposal would not complement the key make up of the surrounding areas and represents an overly-bulky scale of development on what is essentially a narrow and restricted site.

A fundamental concern with the proposal is the extent to which the building would cover the site. Based on the applicants conservative calculations the built form and footprint of the proposed building would cover at least 73% of the total site area and in some parts be built directly up against the boundaries of neighbouring properties.

The building would be 3-storeys high at the northern and southern parts and 2-storeys high in the central element of the proposed building. The frontage of the building off Station Road would be over 110m long, 27m long off Canterbury Road and 22m long off Gloucester Road.

Given such extensive site coverage, combined with the bulk, massing, length and to a lesser extent the height of the proposed building the impact on the surrounding street would be a development that has an overbearing and over dominant appearance and would fail to relate to the setting or character of the street scene, particularly the residential properties that share a boundary with the application site.

The applicant in their design and access statement makes comparisons with the proposed scheme and that of the recently completed Genesis Housing development at 354-366 Pinner Road which was granted planning permission in 2006 ref: P/2447/04/CFU. However there are some notable differences in site circumstances between that development and the one currently being proposed.

Firstly, the Genesis development is located in the designated North Harrow District Centre which is characterised by retail and commercial uses. The ground floor element off Pinner Road is also located within the primary shopping frontage.

The second key difference between the two sites is the design and architectural make up of the buildings. It is acknowledged that the Genesis building is larger, particularly in terms of height, than that being proposed at the assembly hall site but the Genesis Housing site area is significantly larger and surrounded by commercial, retail and light industry uses and in a setting that is more urban in character. The proposal site on the other hand shares its boundaries with 2-storey, semi-detached residential properties and within a more defined suburban setting.

The loss of 12 existing trees and 2 hedges on site as a result of the development is regrettable even though there are no species worthy of statutory protection. There would also be a significant loss of green space as a result of the proposed development changing the character from a suburban setting to harsher more urbanised setting. Although some green space is incorporated into the design of the proposal compared to the existing this is noticeably less. Further the majority of green space provision is within the site and away from the street frontages giving the development an over emphasis of hard surfacing and built form detracting from the character of the surrounding street scene. In this regard the proposed development is considered contrary to policy D9 of the HUDP 2004 which states:

*'The Council will seek to achieve and retain a high quality of street side greenness and forecourt greenery in the borough...'*

Furthermore explanatory paragraph 4.37 states: *'There are large numbers of grass verges and street trees in the borough, which make a positive contribution to the environmental character of residential areas. The Council considers that the amount and quality of street trees and shrubs should be retained and enhanced as this forms an integral part of the overall street greenness.'*

Overall the proposed development is considered to represent an overdevelopment of the site and would be out of character with the surrounding street scene contrary to policy 4B.1 of the London Plan, policies D4, D5, D9, and C10 of the HUDP 2004 and Supplementary Planning Guidance: Designing New Development (March 2003).

#### **4) Residential Amenity**

It is considered that the proposed development would result in a noticeable impact on residential amenity in particular the adjacent residential properties to the rear in Cumberland Road and Canterbury Road.

Daylight and sunlight is assessed in the Sustainability & Environmental Planning Report submitted in support of the planning application. The report concludes that the proposed development will retain good daylighting and sunlight levels to the surrounding residential properties. The development would meet the minimum Building Research Establishment (BRE) guidelines on daylight and sunlight.

Notwithstanding this conclusion, the development would result in a significant visual and amenity impact on those adjacent residential properties. If the development was viewed as a series of extensions it would be found to be contrary to the Council's adopted Supplementary Planning Guidance on Householder Extensions (March 2008). This SPG specifically refers to the impact of new build as well as extensions and is therefore relevant to this impact assessment.

Outlook for neighbouring residents would change significantly as a result of the development. The outlook from properties backing onto the site, in particular the properties on Cumberland Road (numbers 49, 51, 53 & 55) and to a lesser numbers 38 and 40 Canterbury Road would look out onto a continuous, large and dominant 2-3 storey building, whereas currently the outlook is onto a modest single storey community hall with large areas of greenery and several mature / semi-mature trees. It is considered that number 55 Cumberland Road would be particularly affected by being enclosed on two of its three sides from the proposed building to the detriment of amenity value for its occupants.

Noise and related disturbance from the intensified use of the site is considered to be an issue with the proposed development. Explanatory paragraph 3.87 of policy EP25 states: *'So that people and sensitive environments are not subjected to excessive noise levels from new development or changes of use, noise generating development will not be permitted in noise-sensitive areas, unless developers can demonstrate that it would not have an adverse impact on neighbouring land uses ... Developers will be expected to ensure that noise arising from their proposals, including noise generated by people and vehicles arriving and leaving the premises, does not cause excessive disturbance to adjacent land uses.'*

The applicant has not demonstrated through the submission of a noise report that the intensification of the use of the site through the redevelopment would not have an adverse impact on noise levels in the vicinity. It is considered that the increase in building capacity, parking and range of uses proposed that there would be likely to have a noticeable impact in terms of disturbance and associated activity in the surrounding area.

The Parking Survey Assessment submitted in support of the application estimates that on a normal day between Monday and Thursday approximately 614 people will visit the site per day. On Friday's this would be 804 people and on Saturday and Sunday it is estimated that 1354 people will visit the site per day. This equates to an estimated 5968 visitors to the site per week between 08.00 – 23.00 hours with a large number of visitors likely to travel by car.

Without any substantive evidence from the applicant to the contrary, it is considered that the proposed development would have a noticeable impact on amenity of neighbouring residential properties through increased noise disturbance from vehicular movements and activity associated with the various uses proposed, to the detriment of neighbouring amenity and contrary to policy EP25 of the HUDP 2004.

On-site amenity provision with regards to green space and private outdoor amenity area for future occupants is considered inadequate. Policy D5 states:

*New residential development should:-*

*A) Provide amenity space which is sufficient:-*

- 1) To protect the privacy and amenity of occupiers of the surrounding buildings*
- 2) As a useable amenity area for the occupiers of the development; and*
- 3) As a visual amenity ...*

*In or adjacent to town centres, it may be acceptable to provide flats with limited external amenity space. In such instances alternative provision such as balconies, roof gardens or internal communal areas will be sought.'*

Furthermore, explanatory paragraph 4.30 states: *'The form and amount of usable amenity space that should be provided in new development will depend on the character of the surrounding area and the configuration of the site ... In considering the form and amount of useable amenity space the Council will not be seeking to ensure that they meet any minimum or maximum standard. Each case will be assessed, taking account of the general standard of amenity in the surrounding area.'*

The character of the surrounding area on this side of Station Road is predominantly residential one within a suburban setting. The vast majority of neighbouring residential dwellings have reasonable sized rear garden areas of at least 115m<sup>2</sup> in area.

Although the development includes indoor sports and gym facilities this is for the use by BW Foundation members and the wider community and not specifically for the occupants living within the residential element of the proposal. Balconies are proposed to only two of the eight flats, principally because of the design constraints preventing balconies that would allow overlooking of neighbouring properties. The outdoor green space proposed on site is not exclusively for the use of the future residents. There is no specific children's outdoor play space provision onsite and the nearest park Headstone Manor is some 600m away. It is considered that in the context of the surrounding area the provision of onsite amenity space for future occupants is insufficient.

Overall the proposed development would result in an adverse impact on neighbouring amenity through increased noise disturbance and associated activity, loss of outlook and insufficient provision of on-site amenity space, contrary to policies 4B.1 of the London Plan, policies D4, D5 and EP25 of the HUDP 2004 and Supplementary Planning Guidance Designing New Development (March 2003).

**5) Provision of Community Facilities**

One of the six key visions of Harrow's Sustainable Community Strategy (March 2009) is that:

*'Harrow will be known for its diverse community, which we celebrate, and value. There will be better cohesion and a greater focus on communities working together to help themselves and provide support to vulnerable and at risk groups. People will feel safer and be treated with dignity and respect. There will also be a balance between universal and separate services for our different communities.'*

Some of the short term objectives to help deliver this vision include improving the sense of cohesion in Harrow, supporting activities that celebrate and promote Harrow's diverse community and promote inter-cultural dialogue and engagement.

The proposed redevelopment of the existing North Harrow Assembly Hall site is considered acceptable in principle. The proposed new community centre would provide a modern multi use building with sports and exercise facilities, a library, a prayer room, beauty salon, restaurant/café, children's play centre, seminar rooms, 24 bed nursing home and 8 residential units.

The existing facilities currently cater mostly for the Shia Muslim community of Harrow. The applicant states that they *'aspire to develop a landmark project to be of particular attraction to the youth of Harrow whilst providing an outstanding Community Centre for their members' own use but with the ability to serve a wider community.'*

The applicant then goes on to state that: *'Whilst the new NHCC will continue to fulfil its present functions it will also be open to people of all ethnic and religious backgrounds.'*

The applicant has demonstrated that there is a need to redevelop the site as the existing facilities are struggling to cope with the large numbers of people using the site.

Policy C10 of the HUDP states:

*'The Council will seek to maintain and retain existing premises used by community or religious groups in the borough. In considering proposals for new facilities, the Council will ensure that the proposed development:*

- A) Is located in the catchment population it serves;*
- B) Is accessible ...;*
- C) Has no significant adverse impact on neighbouring properties and does not detract from the visual amenity of the area;*
- D) ... would not have an adverse effect on highway safety.'*

The proposed development is considered to comply with some of but not all of the criteria of policy C10 above. With regard to A) the development would be for the use of the wider North Harrow community as a whole and is appropriately located near the North Harrow District Centre. With regard to B) the site has a PTAL of 3 and is well sited to public transport links. Regarding point C) and as discussed earlier in the report the proposed development fails. On point D) regarding highway safety the proposal also fails. This point is discussed in greater detail in the following section of this report.

Policy R13 of the HUDP encourages dual and multi use sports facilities however not where they adversely impact on neighbouring amenity.

It is considered that the principle of redeveloping this site is acceptable in principle however, on balance, the over-riding concerns with flood risk and overdevelopment of the site outweigh the community related benefits of the proposal.

#### **6) Traffic Generation and Highway Safety**

The proposed development would lead to a significant increase in traffic generation and activity than the use of the existing site which accommodates 27 onsite parking spaces.

The proposed onsite parking provision would be 42 spaces split between 8 residential spaces, 2 spaces for the nursing home and the remaining 32 spaces for the community centre.

The residential allocation of parking is considered sufficient given the size of the proposed flats. The allocation for the nursing home is considered insufficient as there are likely to be a significant number of visitors and reasonable number of staff associated with this use.

The parking for community use, although within HUDP standards, is considered insufficient given that the existing use provides 27 spaces to a much smaller building with a significantly less intensive use of the site and there are already issues with parking. The proposed parking for the redeveloped community centre only adds a further 5 spaces overall but the use of the site is likely to increase substantially.

The proposed scheme provides 2 disabled spaces. This is considered insufficient for a development of this size and nature.

Given the lack of a controlled parking zone in the area there is nothing to stop the users, staff or residents of the development from parking on the street. Given the extensive range of uses, the size of the development and range in hours of use it is considered that the proposed on site parking provision would be unable to accommodate all users and as a result there would be a noticeable overspill of parking onto the surrounding streets.

It is considered that many of the concerns with parking, traffic generation and highway safety could be addressed through the implementation and continued monitoring of an effective green travel plan and s.106 contributions toward the improvement of the public highway and implementation of an extended CPZ in the area. However given the over-riding theme of overdevelopment and other fundamental concerns with this proposal the implementation of these mitigation measures are considered pre-mature.

The proposed development is therefore considered to result in an increase in traffic movements and on-street parking to the detriment of neighbouring amenity and highway safety contrary to policies T6 and T13 of the HUDP 2004.

## **7) Town Centre Vitality & Viability**

Policy EM5 of the HUDP requires proposals for new retail and leisure development to be located within the metropolitan and district centres. The community centre includes a wide range of uses that would normally be found in town centres. As the site is on the edge of the designated North Harrow District Centre the applicant must demonstrate that there is a need for this large scale proposal outside of the District Centre and that all other sequential options are inappropriate. It must also be demonstrated that the vitality and viability of the North Harrow district centre would not be compromised as a result of the proposed development.

The applicant has submitted a statement using PPS6 criteria to gauge whether a sequential test is appropriate or not which demonstrates there are no alternative sites within the town or district centre that can accommodate this type of development. The applicant concludes that: *'PPS6 is not considered to be relevant to the application proposals.'* They argue that because the development does not represent a large retail development and that the retail and restaurant elements are ancillary too the predominant community use of the site that PPS6 criteria is not applicable.

Although correct in respect of their interpretation of PPS6 it is considered that the applicant has missed the point of HUDP policy EM5 which also requires a sequential approach for *'other large scale uses attracting considerable numbers of people.'* And that these types of development *'should be located in metropolitan or district centres.'*

Policy EM5 is primarily aimed at protecting the vitality and viability of town centres by directing certain types of use, and uses that attract large numbers of people, to town centre locations. It is considered that the proposal will attract large numbers of people and, on this basis, a sequential approach, in accordance with policy, is justified. Policy EM5 states:

*In considering proposals to develop edge-of-centre or out-of-centre locations, the developer must demonstrate:*

- A) There is a need for the development and all other sequential preferable options are inappropriate; and*
- B) The vitality and viability of existing centres would not be compromised.'*

Given the number of potential alternative sites in the North Harrow District Centre is limited it is likely that there are no other more suitable sites available. The applicant has to a certain extent addressed this in part with their sequential test under PPS25 criteria however the focus of the test is based on one of a housing need and supply test.

The applicant has not however demonstrated that such a large scale redevelopment of the site with a wider range of uses than the existing use would not harm the vitality and viability of the North Harrow District Centre. For this reason the proposed development is considered to fail to fully address policies SEM2 and EM5 of the HUDP 2004.

On balance it is considered that the proposed development is unlikely to result in an inappropriate edge of centre development that would harm the vitality and viability of the North Harrow District Centre. Given the lack of known alternative and available sites in the North Harrow District Centre for this type of mixed use development it is considered unreasonable to refuse the proposed development on the grounds of failing to fully address policies SEM2 and EM5 of the HUDP 2004.

#### **8) Sustainable Design & Renewable Energy**

The proposed development seeks to achieve a Code Level 3 Sustainability Rating. The proposal also seeks to reduce carbon emissions by 20% above building regulation requirements through the implementation of a range of measures such as on site renewable energy generation and energy saving design features and initiatives.

Policy 4A.7 of the London Plan 2008 states:

*The Mayor and boroughs should in their DPDs adopt a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation ... unless it can be demonstrated that such provision is not feasible ...'*

Given the size, form and layout of the development it is calculated that the development when complete, would produce approximately 280 tonnes of Carbon Dioxide per year if it used conventional forms of energy supply such as electricity and gas. With the proposed measures the final scheme would produce 165 tonnes of carbon emissions per year.

The proposed reduction of carbon emissions of 20% from renewable energy and passive sources meets the requirements of London Plan policy 4A.7.

The Sustainability & Environmental Planning Report submitted in support of the application shows that the use of ground source heat pumps combined with solar hot water collectors is seen as the most effective and efficient form of renewable energy that would achieve the greatest reduction in carbon emissions compared with other forms of renewable energy. This would provide 70% of the heating and hot water requirements and reduce carbon emissions by 20%.

The applicant has also identified a second option using a central heating plant (CHP) has also been identified as the less preferable option of the two as the hot water provision and carbon emissions reductions would be less than the ground source heat pumps option.

Other forms of onsite renewable energy generation were investigated however due to various reasons were not considered suitable for this site.

Photovoltaics are typically an expensive option however require little long term maintenance. The applicant has demonstrated that this option is not ideal given the level of power generated from photovoltaics is only 1.6% of the developments needs.

Wind turbines have also been investigated however this type of renewable energy technology the actual energy output is very low. Further there are associated issues with neighbouring amenity regarding noise disturbance and visual amenity.

Biomass heating and biomass CHP were considered problematic due to the requirements of heavy vehicle movements to deliver wood pellets and the requirements for a large storage area on site.

Passive design measures will contribute to reducing overall energy usage of the site. Design measures include:

- Energy efficient lighting and fittings;
- Energy efficient appliances & boilers;
- Using sustainably and locally sourced materials;
- Maximising solar gains to utilise daylight and reduce reliance on lighting;
- Passive solar measures on south facing windows to reduce heat in summer months;
- Insulation to exceed building control requirements;
- Low flow taps, dual flush toilets and low flow showers restricting water usage to less than 150 litres per person per day;
- Rainwater harvesting;
- Green roofs.

Water conservation is considered to be an important element of sustainable design. Policy 4A.16 of the London Plan 2008 states:

*'In determining planning applications, the Mayor will, and boroughs should, have regard to the impact of those proposals on water demand and existing capacity. The Mayor will, and boroughs should, apply a maximum water use target of 105 litres per person per day for residential development ...'*

Furthermore policy EP15 of the HUDP 2004 states:

*'Development proposals should include appropriate measures to conserve water, such as provision for collecting rainwater and recycling grey water and water efficient devices. Developers of major schemes will be required to demonstrate how they have taken into account the need to conserve water in their proposals.'*

The proposed development would achieve Code For Sustainable Homes Level 3 rating. Part of achieving this rating involves implementing water conservation measures into the overall design of the development. Some of the water saving measures proposed with this development include dual flush WCs, automatic user activated taps, magnetic water softeners to reduce lime scale formation, etc.

The layout of the development and positioning of the bin stores would allow for easy collecting for refuse vehicles. It is considered good practice in the interests of reducing over food waste collection is considered appropriate to require the installation of under sink waste disposal units to all of the 8 residential units as this can reduce the amount of food waste by around 20% per unit. Unfortunately this has not been included as part of the proposal.

The proposed development would achieve high levels of renewable energy measures and effectively reduce carbon emissions and is therefore considered to comply with policies 4A.1, 4A.2, 4A.7, 4A.16 of The London Plan 2004 and EP15, EP20, D4 of the Harrow Unitary Development Plan 2004 and Supplementary Planning Guidance: Sustainable Design and Construction.

**9) Lifetime Homes and Access For All**

Policy 3A.5 of the London Plan states:

*'Boroughs should take steps to identify the full range of housing needs within their area. DPD policies should seek to ensure that:*

- *All new housing is built to Lifetime Homes Standards*
- *Ten per cent of new housing is design to wheelchair accessible or easily adaptable for residents who are wheelchair users ...'*

This requirement is reinforced by Harrow Councils SPD on Accessible Homes (April 2006) which states: *'The Council will therefore require all housing developments ... to meet the minimum requirements of Lifetime Homes standards. In addition, the Council will require 10% of all new housing ... to meet Wheelchair Housing standards.'*

The proposed development is considered to comply with the Accessible Homes SPD (April 2006), which requires 100% of all new residential developments to be built to meet the Lifetime Homes Standards. In this case all 8 units would meet the Lifetime Homes Standards.

The community uses of the scheme would aim to accommodate the needs for disabled users through providing 2 disabled car parking spaces, level and ramped access to the ground floor level and lift access to the upper and lower levels.

The proposed development is considered to comply with policy 3A.5 of the consolidated London Plan 2008, policies D4, C16, C17 of the HUDP 2004, Accessible Homes Supplementary Planning Document (April 2006) and Access for All Supplementary Planning Documents (April 2006).

**10) Housing Provision and Density**

The proposed development would involve the loss of 4 buildings of which 3 are existing dwelling houses but would provide an additional 8 units, a net gain of 5 residential units. This would comply with HUDP policy H11 and would make a positive contribution with regards to meeting annual housing targets in Harrow. This aspect of the development is therefore supported in principle.

The proposed residential density is 123 habitable rooms per hectare (hrph) which includes the nursing home element. Given the context of the surrounding area this figure is considered appropriate.

**11) S17 Crime & Disorder Act**

At the pre-application stage the LPA advised the applicant to have particular regard to good design that addresses the principles and practices of Safer Places and Secured by Design.

The applicant proposes security measures such as 6 CCTV camera points to areas lacking in natural surveillance and all entrance points, gated entrance to the underground car parking areas, concierge / security office, gated entrance to north eastern corner of site off Canterbury Road and garden wall off Cumberland Road.

There is a lack of detail regarding the landscaping to the Station Road frontage, particularly with regard to boundary treatment and how the development would restrict vehicular access to this area. It is considered however that this lack of detail would not warrant a reason for refusal in this instance.

In the main the above measures generally follow the basic principles and practices of Secured by Design and Safer Places.

**12) Consultation Responses:**

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

- Not enough people consulted on application – the LPA has fulfilled its statutory obligations with regards to notifications and consultations.
- Funding concerns with regards to developers leaving half finished building – this is not a material planning consideration.

**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.

Item 1/01 : P/2376/08/DC3/MAJ continued/...

The following plans and reports are relevant to this decision:

Plan Nos: RG\_07-736-01 Rev.0, RG\_07-736-02Rev.0, 9806E\_SEC\_01 Rev.0, 9806IBPL-01/-02 Rev.1, 9806IB\_PL\_00 Rev.1, 9806IB\_PL01-PL02 Rev.1, 9806IB\_PL\_ROOF Rev.1, 9806IB\_SECTIONS Rev.1, 9806IB\_ELEV\_01/02/03/04 Rev.1, 01.08.1885 Rev.A

Reports: Planning Statement, July 2008;  
Design and Access Statement, June 2008;  
Consultation Statement, June 2008  
Sustainability and Environmental Planning Report, June 2008;  
Transport Statement, June 2008;  
Framework Green Travel Plan, June 2008;  
Ground Investigation Report;  
Report on the Classification of Waste Soils for off-site Disposal, October 2007;  
Survey and Maintenance Manual for Culvert Beneath North Harrow Community Centre;  
Bat Surveys, July 2008;  
PPS25 Flood Risk Assessment, June 2008;  
PPS25 Sequential Test, June 2008;  
Tree Survey & Arboricultural Implication Assessment, 15th January 2008;  
Extended Phase 1 Habitat Survey, July 2008;  
Parking Survey Assessment VA-020-P0001-REP Version 3A;  
PPS6 Statement, 26 February 2009.

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**ROYAL NATIONAL ORTHOPAEDIC  
HOSPITAL NHS TRUST, BROCKLEY  
HILL, STANMORE**

**Item: 1/02**

**P/0963/09/RH/MAJ**

Ward **CANONS**

DEMOLITION OF GRAHAM HILL UNIT AND CONSTRUCTION OF THREE STOREY  
RONALD MCDONALD HOUSE (SUI GENERIS).

**Applicant:** RNOH Trust & Ronald McDonald House Charities

**Agent:** DRIVERS JONAS

**Statutory Expiry Date:** | 08-SEP-09

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## **RECOMMENDATION**

The proposed development by virtue of its functional and operational association with the hospital use is considered to represent limited redevelopment of a major existing developed site identified in Policy D35 of the Harrow UDP, and is not therefore considered to amount to inappropriate development within the green belt requiring very special circumstances. The design, siting and layout of the proposed development would not have a significant, detrimental impact on the openness of the green belt and would result in a net reduction in total building footprint within the hospital site with consequent improvement to its appearance and special character. In providing dedicated residential accommodation for the parents of children undergoing treatment at the hospital, the development is considered to demonstrate very special circumstances that outweigh the harm arising to the openness of the greenbelt and its objectives and accords with polices 3A22, 3A.21 of the London Plan and the objectives in polices EP32 and C8 of the Harrow UDP.

The proposal lies centrally within the site so that its impact upon the appearance of the greenbelt and the area of special character is minimised. The highway, biodiversity and arboricultural interests represented on the site are considered to have been satisfactorily addressed and mitigated by way of the planning conditions proposed. Given the location of the proposed building, the impact upon residential amenity in surrounding areas is considered to be acceptable. Having regard to national planning policy, and the policies of the development plans listed below, the proposed development is therefore considered to be acceptable.

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

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

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPS7 Sustainable Development in Rural Areas

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

#### **London Plan:**

3D.9 Green Belt

3A.21 Locations for Health

3A.22 Medical Excellence

4A.1 Tackling climate change

4A.2 Mitigating climate changes

- 4A.3 Sustainable Design and Construction
- 4A.4 Energy Assessment
- 4A.6 Decentralised Energy: Heating, Energy and Cooling
- 4A.7 Renewable Energy
- 4A.8 Hydrogen Economy
- 4A.9 Adaptation to Climate Change
- 4A.1 Tackling climate change
- 4A.3 Sustainable design and construction
- 4A.4 Energy Assessment
- 4A.6 Provision of heating and cooling networks
- 4A.7 Renewable Energy
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection

**Harrow Unitary Development Plan:**

- SEP5 – Structural Features,
- EP20 Use of previously developed land
- EP20 Noise
- EP27 Species Protection
- EP28 Conserving and Enhancing Biodiversity
- EP29 Tree Masses and Spine
- EP30 Tree Preservation Orders and new planting
- EP31 Areas of Special Character
- EP32 Green Belts - Acceptable Land Uses
- EP35 Major Developed Sites in the Green Belt
- T6 The transport Impact of Proposals
- T11 Cycle and Motor Cycle Parking in Public Spaces
- T13 Parking Standards
- D4 The standard of Design and Layout,
- D5 New Residential Development –Amenity Space and Privacy
- D9 Street side Greenness and Forecourt Greenery
- D10 Trees and New Development
- C8 Health Care and Social Services
- C16 Access to Buildings and Public Spaces
- C18 Special Mobility Requirements and Access to Transport
- Supplementary Planning Document Access for All (2006)

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Principle of Development (EM13, EP20, EP21, R15)
- 2) Community Use / Suitability of the Proposed Use (3A.21, 3A.22, C8)
- 3) Design and Character of Area (4B.1, 4B.5, D4)
- 4) Neighbourhood Amenity (EP25)
- 5) Parking and Highway Safety (T6, T13)
- 6) Accessibility (D4, SPG)
- 7) Sustainability – Energy Demand and Water Resources (4A.1, 4A.3, 4A.4, 4A.6, 4A.7)
- 8) S17 Crime & Disorder Act (D4)
- 10) Consultation Responses

## INFORMATION

### a) Summary

|                        |  |
|------------------------|--|
| Statutory Return Type: | Major development                            |
| Site Area:             | 6466m <sup>2</sup>                           |
| Floor Area:            | 2043m <sup>2</sup>                           |
| Car Parking:           | Standard: 5<br>Justified: 11<br>Provided: 11 |
| Council Interest:      | None   |

### b) Site Description

- The 6466m<sup>2</sup> site is located within the wider Royal National Orthopaedic Hospital (RNOH) site, on the western boundary,
- Development on the site comprises a two storey building, known as the Graham Hill Unit,
- A drop off point and car park is located directly to the front of the building, additional car parking spaces are located along the western site boundary,
- The site slopes down from the south to the north with an approximate 6m drop in ground level over the site,
- The site is subject to an area Tree Preservation Order,
- An internal roads runs along the eastern site boundary separating the site from the woodland directly to the east of the internal road,
- The site is bound by internal road to the north and west of the site, the main hospital car park is located directly to the west of the site,
- The Aspire Centre and associated car parking area is located directly to the south of the site, a pedestrian walkway separating the two sites providing access from the car park directly to the west of the site,
- The site is located within the Metropolitan Green Belt and is identified as a Major Developed Site in the Green Belt,
- The site is designated as a Site of Nature Conservation Importance (SNCI) grade 1,
- The wider RNOH site is located on the northern edge of the Harrow Weald Ridge, an Area of Special Character,
- The main site access is from Wood Lane, with access to the site also available through the hospital from Brockley Hill, a London Distributor Road,
- The RNOH incinerator that is to be demolished as part of this application is located to the north west of the site.
- The wider hospital site was granted outline planning permission in 2007 for a comprehensive redevelopment scheme.

### c) Proposal Details

- Demolition of the existing two-storey hospital building, Graham Hill Unit
- Demolition of existing Incinerator building on the wider hospital site
- Construction of three bedroom 'Ronald McDonald House' to provide 26-28 family bedrooms
- The accommodation would be available for families of children that were undergoing treatment in the adjacent hospital
- The accommodation would be free for families

- The existing Graham Hill Unit provides low grade accommodation and it is proposed that the facility would be provided elsewhere within the RNOH facility. This re-provision would be subject to a separate planning application.

**d) Relevant History**

|               |   |                    |
|---------------|---|--------------------|
| P/2106/03/CFU | Single storey linked extension to provide 2 temporary operating theatres a 6 bed recovery room and ancillary accommodation                                | GRANT<br>7-NOV-03  |
| P/715/04/CFU  | Two storey detached building to provide medical facilities, car parking and hard surfacing  | FDO<br>26-JAN-06   |
| P/571/05/CFU  | Single storey extension to adolescent unit  | GRANT<br>22-APR-05 |
| P/1704/05/COU | Outline: Partial redevelopment to provide new hospital and associated facilities, housing (including staff) revised road junction car park and open space | GRANT<br>15-JAN-07 |

**e) Pre-Application Discussion**

- Pre-application meeting to discuss the new RMHC accommodation block on site of Graham Hill Unit.

**f) Applicant Statement**

- As a national centre of excellence, The Royal National Orthopaedic Hospital Trust (RNOH) provides a comprehensive range of neuro-musculoskeletal health care services that is unique within the NHS.
- Patients from across the country benefit from a team of highly specialised consultants, many of whom are national and internationally recognised, that are supported in their work by nurses, therapists and other specialists clinical staff who are experts in their particular fields of orthopaedic care.
- The RNOH also plays a major role in teaching, research and development.
- Ronald McDonald House Charities (RMHC) is an independent charity that provides accommodation for families with children in hospitals and hospices across the UK. RMHC provide free, safe, relaxing accommodation for parents during their child's admission in hospital at no cost to the NHS Trust or families who stay.
- This facility enables family units to stay together and encourages families to support one another through what can be emotionally challenging time.
- The accommodation is available for parents, siblings and extended families where possibly working with LEA and local schools if the siblings are of school age to ensure their educational needs are met.
- In view of the number of nationally funded specialities at the hospital, a feasibility study indicated that a House with a minimum size of 28 bedrooms is required. This is in order to accommodate families from all over the UK and beyond who will need to come to Stanmore for one of the nationally funded services available at the hospital. The existing provision is currently unable to meet the demand created by patient numbers, is out of date and does not meet the requirements of the hospital

- The new House would be supported by fundraising from local businesses and other members of the local community, as well as benefiting from a capital contribution from RMHC, and will enable RMHC to accommodate 28 families every night while their children are receiving the best possible medical care.
- RNOH site benefits from an extant outline planning application for the total redevelopment of the site, the illustrative masterplan included the RMHC accommodation to be situated within an existing building (Zachary Merton) that was to be wholly refurbished as part of the redevelopment.
- The RNOH Trust is currently reviewing options for the redevelopment of the Estate and at this time it is unlikely that the approved outline permission will be implemented in line with the illustrative masterplan.
- In terms of operation and for clinical reasons the RMH needs to be nearer to the main hospital development accordingly the RMHC and RNOH wish to proceed with this facility as a single stand alone project
- This stand alone proposal does not in anyway prejudice implementation of the approved outline planning application as the RNOH Trust will be able to design the detailed scheme to take account of the new RMH building
- Planning Statement
- Arboricultural Statement
- Travel Plan
- Sustainability and Energy Efficiency Assessment

**g) Consultations:**

**Stanmore Society:** No response received to date.

**London Wildlife Trust:** No response received to date.

**London Greenbelt Council:** No response received to date.

**Herts & Middlesex Wildlife Trust:** No response received to date.

**CAAC:** No response received to date.

**Environment Agency:** No response received to date.

**Thames Water Utilities:** No response received to date.

**Greater London Authority:** No response received to date.

**Advertisement:** Major Development Expiry: 16-JUL-09  
General Notification

**Notifications:**  
Sent: 14 Replies: 0 Expiry: 16-JUL-09

**Summary of Response:**

No consultation responses received to date

**APPRAISAL**

**1) Principle of Green Belt Development**

Planning Policy Guidance Note 2: Green Belts (PPG2) sets out the general presumption against inappropriate development within the Green Belt and states that such development should not be approved, except in very special circumstances. This presumption against development within the Green Belt is repeated in London Plan policy 3D.9 and HUDP policy EP32.

Paragraph 3.4 of PPG2, states that the construction of new building is inappropriate development unless it falls within a range of specified purposes, including:

- Limited infilling or redevelopment of major existing developed sites identified in local adopted plans, which meets the criteria in paragraph C3 or C4 of Annex C (of PPG2).

HUDP policy EP35 identifies five such developed sites within the Green Belt in the London Borough of Harrow. In general, this HUDP policy places the assessment tests for future development within these sites, back on Annex C of PPG2.

Annex C of PPG2, Future of Major Developed Sites in the Green Belt, provides further clarification of this exception to the general presumption against development. Paragraph C4 of this Annex provides advice that redevelopment under this exception clause should conform with the following requirements:

- a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
- b) contribute to the achievement of the objectives for the use of land in Green Belts (paragraph 1.6 – see also paragraph 3.13);
- c) not exceed the height of the existing buildings; and
- d) not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity)

The Royal National Orthopaedic Hospital is identified in the HUDP as a Major Developed Site in the Green Belt, and development of the site would therefore accord with this key test of PPG2. In respect of the criteria above;

a) The impact of the proposed development on the surrounding Green Belt is largely mitigated by of the topography of the surrounding land, which rises away from the hospital site to the north and south, the woodland area to the west of the site which screens views to the site and the existing consolidated hospital development to the east of the site. In combination, it is considered that these factors would result in substantial mitigation of the impact of the proposed development on the openness of the Green Belt.

b) The development, while only small scale in relation to the wider RNOH site would work towards meeting the fourth objective ‘to improve damaged and derelict land around towns’ specified in Paragraph 1.6 of PP2 for the use of land in Green Belts. The new building and reconfiguration of the site including removal of internal road and increased landscaping would improve the appearance of the aging and derelict RNOH site and will form part of the long term redevelopment of the RNOH site to maintain and improve the open character of the Green Belt site whilst meeting the clinical and operational requirements of the hospital and its users.

c) The proposed development would not exceed the height of the existing buildings on the wider hospital site although it would result in a local increase in building height compared with the existing structure to be removed.

d) An integral part of the development proposal is the demolition of existing buildings on the RNOH site, identified as the Graham Hill Unit and the Incinerator building. This would result in a net reduction of building footprint on the RNOH site of 515sqm.

The proposed development therefore meets three of the four tests that Paragraph C4 of Annex C states development should address. While the proposed development does not squarely meet test 'b' of Paragraph C4 relating to the contribution to the defined objectives of the Green Belt, it is considered that the improved management and appearance of the site following the removal of existing and development of a new building would result in an improvement to the appearance of the green belt.

It is therefore considered that the proposed development is not inappropriate development within the Green Belt. While the scheme would not directly address all of the objectives of the Green Belt, it would accord with the other tests for redevelopment of Green Belt development sites, set out in Annex C of PPG2. Moreover, in the event that the development was considered to represent "inappropriate development" in the green belt, the unique relationship of the facility to the hospital and the significant contribution that the facility would make to long term wellbeing and care of vulnerable people, is considered to amount to very special circumstances that would outweigh the harm to the Green Belt. The scheme would also provide a valuable community facility (of which there is an identified acute need).

## **2) Principle of Proposed Community Use**

Policy 3A.22 of the London Plan identifies the importance of London as a national and international centre of medical excellence and specialised facilities and promotes the continued support and expansion of these facilities where appropriate. Policy C8 of the HUDP seeks to ensure appropriate health and social care provision in the borough and supports the provision of new or extensions to existing facilities, provided that certain criteria is met. Specific reference is made to the RNOH site and to the controls that will be necessary to avoid any significant adverse impact on the Green Belt.

The application proposes a form of temporary residential accommodation that would be made available for families of children that were being treated in the hospital. Treatment of children can result in hospital stays in excess of two years. The hospital catchment extends beyond the local area, with patients from the wider UK area and a smaller number of children from other countries. Such long term stays and the distance from family residences can result in obvious pressures on families. The proposal aims to relieve some of these pressures, by providing available free family accommodation and support in close proximity to treatment wards

The proposed development would provide a valuable addition to the range of facilities offered at the hospital, which would be of significant benefit to the families of children being treated on the site. The proposed addition to the range of services offered at the RNOH is considered to be supported by relevant policy, and accordingly, the principle of the proposed use is considered to be acceptable.

### **3) Design and Layout**

Explanatory paragraph 4.10 of Policy D4 Harrow Unitary Development Plan 2004 (HUDP) states that 'development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces. Policy D4 explanatory paragraph 4.11, states that 'buildings should respect the form, massing composition, proportion and materials of the surrounding townscape'.

The application proposes a three storey, flat roof building of a contemporary design. The modern design approach seeks to avoid an institutional character.

The building would be positioned centrally within the site, within a landscaped setting. The footprint of the building would be irregular in shape, creating stepped elements to the building. The upper floors would be cantilevered out over part of the ground floor. The stepping of the building and cantilevered elements provide variety to the block volumes of the proposed building, which would contribute to the overall visually interesting form of the design.

Further visual interest would be provided through the use of extensive glazing and a multi coloured (green and grey) cladding system.

The accommodation would be provided over the upper two floors in the form of hotel unit bedrooms. Two communal kitchens would also be provided on each of these upper floors. The ground floor would provide a communal area, meeting rooms, laundry facilities, an office area and a self-contained residential unit for management staff. Externally accessed refuse and recyclables storage would also be contained within the envelope of the building at ground floor level, directly accessed from the northern elevation.

Given the proposed use of the building to accommodate parents and families of children undergoing treatment at the hospital, care has been taken in the siting and setting of the proposed building to provide a secure and peaceful environment for future occupiers. The bedrooms and communal rooms will face onto a landscaped courtyard and grassed area. In addition to providing a pleasant outlook, this courtyard and grassed area would also provide separation to the neighbouring (Aspire Centre) building to the south of the site.

It is noted that, due to the location of the building, the development would not compromise the wider scheme of site redevelopment that was approved under reference P/1704/05/COU.

### **4) Trees and Landscape Setting**

Policy 3D.15 of the London Plans seeks to protect, maintain and enhance trees and woodland in support of the London Tree and Woodland Framework.

Policy D4 of the HUDP identifies the importance of landscaping as part of the overall design of a site. Policy D9 seeks to achieve and retain a high quality of street side greenness and forecourt greenery and Policy D10 seeks to achieve a balance between the design, bulk and siting of new buildings and the retention of as many trees as possible.

The development would require the removal of ten TPO trees, five non-TPO trees and a small group of saplings. Of the ten TPO trees, four are of a low quality and one is categorised as R (dead, dying or dangerous). The application proposes to replace the fifteen trees with twenty-three large semi-mature trees and additional planting of native shrubs and hedges increasing the overall planting on the site. The loss of the trees is considered acceptable given the substantial gain of the semi-mature trees. The large size of the trees and number would have an instant impact on the visual amenity of the site and would strengthen the link between the RNOH site and the neighbouring Woodland (Site of Nature Conservation Importance).

The landscaping of the site forms an integral part of the development, providing a structured setting for the building within the Green Belt and a peaceful environment for the future guests staying at the building.

The landscaping of the site has been designed to provide an appropriate setting for the building within the site, but also addresses the openness and character of the wider RNOH site, the Green Belt and the SNCI. The large semi-mature replacement trees would strengthen the Woodland to the east of the site and would also through the placement along the site boundaries enclose the development within the site, providing views into the site through the trees. The land to the south of the building would be landscaped to provide a more formal, private outdoor space providing interesting spaces for both ambulant and disabled users.

The proposed landscaping scheme is considered to be of a high standard, that would increase the planting of the site, the number of native species, providing coherence between neighbouring sites and would improve the perception of openness of the wider RNOH site and Green Belt in accordance with London Plan Policies 3D.15, HUDP policies D4, D9, D10 and EP32.

#### **5) Neighbourhood Amenity**

Policy D5 of the Harrow Unitary Development Plan 2004 requires new development to protect the amenity of occupiers of surrounding buildings and future occupants. Policy EP25 of the Harrow Unitary Development Plan seeks to minimise noise disturbance, and states that development proposals that would lead to unacceptable level of noise, vibration or disturbance will be refused.

The site would not have any impact on neighbouring residential amenity, due to the substantial separation with neighbouring development.

#### **6) Biodiversity**

The site is identified on the HUDP proposals map within a Site of Nature Conservation Interest (SNCI) of Borough Importance (grade 1).

PPS9 Biodiversity and Geological Conservation requires that planning policies and decisions not only avoid, mitigate or compensate for harm but seek ways to enhance and restore biodiversity and geology.

London Plan Policy 3D.14 encourages a proactive approach to the protection, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. The policy requires that the planning of new development and regeneration to have regard to nature conservation and biodiversity, opportunities should be taken to achieve positive gains for conservation through the form and design of development.

Policy EP28 of the HUDP seeks to conserve and enhance biodiversity by:

- a) Resisting development that would have a direct or indirect adverse impact on Sites of Special Scientific Interest, Statutory Local Nature Reserves, other sites of importance for nature conservation, countryside conservation areas and green corridors.
- b) Ensuring that all development proposals take account of nature conservation where relevant and ensuring that all development proposals considered likely to materially affect sites of nature conservation importance take account their impact on wildlife and the ecology of the site  
and
- f) Ensuring that any loss of habitat e.g. woodland, wetland etc is compensated for by provision of at least an equivalent area of land of equivalent habitat quality under the terms of planning obligation

The extent of the SNCI designation shown on the HUDP proposals map is questioned in the Ecological Survey submitted with the application. The Mayor of London's database Wildweb excludes the application site from the SNCI designation. The site is not included as part of the SNCI on the Council's GIS mapping system ArcMap or on the most current map provided by the Greater London Authority.

An ecological survey based on the extended phase 1 survey methodology, has been undertaken (April 2009) to assess the potential impact on the biodiversity of the site. This included a habitat and botanical survey, specific survey work was also undertaken with respect to badgers and bats.

The study concluded that overall the habitat on the site, semi-improved neutral grassland managed as amenity grassland and scattered trees, was of relatively low ecological value. Furthermore, that there were no overriding ecological constraints to the development of the site. A number of the mature trees were considered to be of moderate value at the local level. Faunal issues were found to be limited to the potential use of the use of the site by nesting birds. The study recommended where possible the mature and semi-mature trees are retained and that the clearance of any trees or shrubs is undertaken outside the breeding season.

The redevelopment of the site would see the removal of the existing road and car parking area that currently separates the site from the neighbouring woodland and Site of Nature Conservation Importance adjoining the eastern site boundary. Fifteen trees are also to be removed to accommodate the development on site. The removal of this extensive area of hard surfacing and associated vehicular traffic, the replacement planting of twenty-three semi-mature trees and native shrubs and hedges would link and extend the proposed landscape into the existing woodland (SNCI).

This could potentially form an important link to the adjacent Site of Nature Conservation Importance. The planting of native species and mature trees would also enhance the available habitat on site. A condition is recommended restricting the removal of trees and shrubs outside the breeding season to protect the existing biodiversity of the site.

The proposed development is considered to take account of the existing biodiversity on site and the surrounding SNCI. Furthermore, the development seeks to improve and enhance the biodiversity of the site through forming a link to the adjoining woodland and increasing native species and overall planting on the site in accordance with HDUP policy EP28 and London Plan policy 3D.14.

## **7) Parking and Highway Safety**

Policy T6 of the HUDP requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

The proposed development would be accessed from existing internal roads within the hospital site. The Council's Highway Engineer has stated no objection to the scheme regarding highway safety or to the modest traffic generation associated with the use.

The Council's car parking standards allow a maximum provision of one space per five bedrooms for hotel uses. In this case, the standards allow for a maximum provision of five spaces.

The application proposes the provision of eleven car parking spaces along the northern site boundary. While the proposed provision would exceed the Council's car parking standard, it would be a reduction to the existing car parking provision on the site and would not be detrimental to highway conditions in the area. This provision is also considered to be acceptable in the context of the intended family use of the facility and the limited accessibility to public transport and services.

It is also noted that the provision of the facility would reduce the need to travel to and from the hospital site for those families staying within the proposal. This would result in a modest reduction in existing trips associated with the hospital.

## **8) Accessibility**

Policy 4B.5 of the London Plan requires all new development to meet the highest standards of accessibility and inclusion. Policy C16 of the Harrow Unitary Development Plan seeks to ensure that buildings and public spaces are readily accessible to all.

The proposed development has been designed in accordance with the requirements of Part M of The Building Regulations 2000, the Disability Discrimination Act 2005 and Harrow Council's Supplementary Planning Guidance Access for All. Accordingly, this aspect of the development is considered to comply with the requirements of policy C16 of HUDP.

**9) Sustainability – Energy Demand and Water Resources**

London Plan policy 4A.1 'Tackling Climate Change' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 4A.2, 4A.3, 4A.4, 4A.6 and 4A.7. Overall, the set of policies seeks to address climate change through minimising emissions of carbon dioxide.

The Design and Access Statement details passive design principles including siting, orientation, form, internal layout, solar gain/shading and the size and position of apertures that have been considered to minimise energy use and reduce carbon emissions of the proposed development.

The development would be designed and constructed to exceed the minimum requirements of document L2A of the Approved Building Regulations. In addition, the principles of Life Cycle design have been considered in the selection of the external finishes giving the building a 60 year life span. The Green Guide to Specification, which assesses the embodied energy and location of materials would be used for the selection of materials where possible.

The Sustainability Statement submitted with the application details several options to reduce carbon emissions of the development. While this statement concludes that a 20% reduction in carbon emissions would be achieved it does not specify which options are to be implemented on the site or provide calculations to substantiate this proposed reduction. However, in this case given the commitment outlined above paragraph towards meeting the objectives of the London Plan and HUDP policies to address climate change, it is considered acceptable to address this aspect of development by condition.

**10) S17 Crime & Disorder Act**

Policy D4 of the Harrow Unitary Development Plan 2004 advises that crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan (consolidated with alterations since 2004) seeks to ensure that developments should address security issues and provide safe and secure environments.

The scheme has been subject to ongoing discussion with the Metropolitan Police Crime Prevention Officer to ensure compliance with Secure by Design standards. The siting, design and internal layout of the building have been designed around Secure by Design measures. To ensure that the proposed measures are implemented, a condition is recommended requiring detail of compliance with the Metropolitan Police Secure by Design scheme.

**11) Consultation Responses**

No consultation responses have been received.

**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, subject to the following conditions:

## **CONDITIONS**

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

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

2 Prior to commencement of development, other than the demolition of the existing built development on the site (the Graham Hill building), the building to the north east of the application site, identified as 'Existing Incinerator' on approved plan reference B3271 P010, shall be demolished in entirety with all demolition materials and foundation structures removed from the wider RNOH site.

REASON: In the interests of the openness of the Green Belt in accordance with policy 3D.9 of the London Plan, policy EP32 of the HUDP and Annex C of Planning Policy Guidance Note 2: Green Belts.

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 and Green Belt in accordance with policy D4 and EP32 of the HUDP and policy 3D.9 of the London Plan.

4 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.

5 Prior to the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained as such.

REASON: To mitigate light spill into the Site of Nature Conservation Importance in accordance with HUDP Policy.

6 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.

7 The building hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number B3271 P002 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.

8 The development hereby permitted shall not commence 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 use hereby permitted shall not be commenced 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.

9 Prior to commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development achieves a 'very good' BREEAM rating unless otherwise agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the details as approved and be retained as such thereafter.

REASON: To assess the overall sustainability rating of the proposed development to ensure that the scheme adequately addresses sustainability requirements in accordance with policies 4A.1, 4A.2 and 4A.3 of the London Plan.

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

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

11 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.

12 The felling of trees on the site shall be undertaken outside of the defined bird breeding season between March – August.

REASON: In the interests of the ecological values of the site in accordance with HUDP policy EP28 and London Plan policy 3D.14.

13 None of the existing trees on the site shall be lopped, topped, felled or uprooted without the prior written permission of the local planning authority. Any topping or lopping which is approved shall be carried out in accordance with British Standard 3998 (Tree Work).

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

14 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.

The protection fencing should comprise of 1.8 metres high welded mesh: "Heras" fencing and should be staked and in place before demolition & construction works commence, and should remain in place for the entire duration of the construction works.

15 Prior to the commencement of development a detailed Landscape Management and Maintenance Plan/Schedule is required for the communal landscaped areas, to include the initial year and the subsequent long term management for years 2 to 5.

REASON: To safeguard the appearance and character of the development and the wider Green Belt site.

16 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 safeguard the character or appearance of the Conservation Area.

17 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.

18 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.

19 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.

20 The development hereby permitted shall not commence until details of a scheme for generating 20% of the predicted energy requirement of the development from on-site renewable resources has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall thereafter be retained so that it provides the required level of generation.

REASON: To ensure the development meets the basic requirements of London Plan policies 4A.1 and 4A.7.

## **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:**

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

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

### **3 INFORMATIVE:**

The London Borough of Harrow seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative that is supported by the Home Office Crime Reduction & Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award.

For additional information, please contact the Borough Crime Prevention Design Advisor through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465.

### **4 INFORMATIVE:**

There may be public sewers crossing this site, so no building will be permitted within 3 metres 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 200800

**5 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 / 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.

**6 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.

Plan Nos: 3109\_03, 3109\_04, 3109\_05, B3271 P000, B3271 P001, B3271 P002 Rev A, B3271 P003 Rev A, B3271 P004, B3271 P005 Rev A, B3271 P007 Rev B, B3271 P008, B3271 P009 A, B3271 P010, B3271 P013 A, Visuals Sheets 1 and 2, Landscape Design Report, Tree Survey, Design and Access Statement, Transport Plan, Planning Statement, Renewable Energy Statement submitted 10<sup>th</sup> June 2009. Report of Extended Phase 1 Ecology Survey, Visual Impact Assessment

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**93 & FORMER MORTUARY AND PARKS DEPOSIT SITE, PEEL ROAD, WEALDSTONE**

**Item: 1/03**

**P/1292/09/SL/MAJ**

Ward **MARLBOROUGH**

REVISED APPLICATION: REDEVELOPMENT OF 46 AFFORDABLE HOUSING UNITS [34 FLATS AND 12 HOUSES] IN 3NO. X THREE-STOREY AND FOUR-STOREY BLOCKS, NEW HOME ZONE, ACCESS OFF PEEL ROAD, 36 SURFACE CAR PARKING SPACES [INCLUDING 4 DISABLED], 46 CYCLE SPACES, PRIVATE AND COMMUNAL GARDEN SPACE, ASSOCIATED LANDSCAPING AND REFUSE BIN STORAGE [RESIDENT PERMIT RESTRICTED].

**Applicant:** Forest Whitmore Limited

**Agent:** Broadway Malyan

**Statutory Expiry Date:** 04-SEP-09

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## **RECOMMENDATION**

**INFORM** the applicant that:

1. The proposal is acceptable subject to the completion of a legal agreement within 6 months of the date of the Council's decision, to include the following Heads of Terms:
  - i) **Affordable Housing:** 100% affordable housing provision, to be managed by a nominated Registered Social Landlord.
  - ii) **Resident Permit Restricted:** All residents and users of the development shall be ineligible for resident parking permits in the surrounding controlled parking zone.
  - iii) **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
  - iv) **Planning Administration Fee:** Payment of £500 administration fee for the monitoring of and compliance with this agreement.
2. A formal decision notice to GRANT permission for the development described in the application and submitted plans and materials, subject to planning condition[s] will be issued upon completion by the applicant of the aforementioned legal agreement.

## **REASON**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, to meet the Vision of the Council in promoting a diverse community, which is celebrated and valued and create better cohesion, as detailed in Harrow's Sustainable Community Strategy [Mar 09], and any comments received in response to publicity and consultation:

**The London Plan [2008]:**

- 3A.1 Increasing London's supply of housing
- 3A.2 Borough housing targets
- 3A.3 Maximising the potential of sites
- 3A.5 Housing choice
- 3A.6 Quality of new housing provision
- 3A.8 Definition of affordable housing
- 3A.9 Affordable housing targets
- 3A.10 Negotiating affordable housing in individual private and residential and mixed-use schemes.
- 3A.11 Affordable housing thresholds
- 4A.1 Tackling climate change
- 4A.4 Energy assessment
- 4A.7 Renewable energy
- 4A.21 Waste strategic policy and targets
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection

**Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:**

- EP25 Noise
- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D10 Trees and New Development
- T6 The Transport Impact of Development Proposals
- T13 Parking Standards

- PPS1 Delivering Sustainable Development
- Harrow's Accessible Homes SPD [Apr 2006]
- Harrow's Sustainable Community Strategy [Mar 09]

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**MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & Saved Policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance]**

- 1) Principle of Development and Land Use**  
The London Plan 2008: 3A.6, 4A.1, 4A.4, 4A.7, 4A.21, 4B.1.  
London Borough of Harrow UDP 2004: D4, D10.
- 2) Design and Character of the Area**  
The London Plan 2008: 3A.6, 4A.1, 4A.4, 4A.7, 4A.21, 4B.1.  
London Borough of Harrow UDP 2004: D4, D10.
- 3) Residential Amenity**  
London Borough of Harrow UDP 2004: EP25, D5.
- 4) Housing Provision and Density**  
The London Plan 2008: 3A.1, 3A.2, 3A.3, 3A.5, 3A.8, 3A.9, 3A.10, 3A.11.

**5) Parking and Highway Safety**

London Borough of Harrow UDP 2004: T6, T13.

**6) Accessible Homes**

The London Plan 2008: 3A.5, 4B.5.

**7) S17 Crime & Disorder Act**

London Borough of Harrow UDP 2004: D4

**8) Consultation Responses**

**INFORMATION**

**a) Summary**

|                        |   |
|------------------------|---|
| Statutory Return Type: | Major Dwellings   |
| Site Area:             | 4,700m <sup>2</sup> [as stated on application form]     |
| Density                | 344 HRH, 98 DPH   |
| Car Parking:           | Standard: 55 [maximum]<br>Justified: 37<br>Provided: 37 |
| Lifetime Homes         | 46  |
| Wheelchair Standards   | 4   |
| Council Interest:      | None  |

**b) Site Description**

- Site fronts onto Peel Road, opposite Stuart Road, near the entrance to Byron Recreation Ground;
- Site to rear of properties on Byron Road;
- Previously occupied by numerous derelict single-storey and two-storey structures and one house;
- Vehicular access off Peel Road to north of site;
- Surrounding properties comprising two-storey terraced dwellings, with a three-storey block of flats at the junction of Peel Road with Byron Road and a commercial garage premises at 57-59 Byron Road; and
- Site adjoins Byron Recreation Ground, which is situated to the east.

**c) Proposal Details [Revised Changes]**

- Revised application for 46 residential units. The following minor changes to the January 2009 permission [P/1516/08] are sought:
  - 100% affordable housing [previously 13%];
  - Development now achieves Code for Sustainable Homes Level 3; and
  - Increase in number of bed spaces in the 12 housing units to meet local housing need identified by the RSL.

**d) Relevant History**

- Planning application for 46 residential units [P/1516/08] granted planning permission on 27<sup>th</sup> January 2009.
- The applicant requested these changes to the planning permission Ref: P/1516/08 are treated as minor amendments.
- The request was rejected and subsequently, this planning application was submitted.

**e) Pre Application Discussion**

- The Agent engaged with Harrow Council prior to the submission of the planning application.

**f) Applicant Statement**

- Scheme designed in response to the character and architectural vernacular of the area, the site's relationship to adjoining properties, the site's accessibility, and the context of policy.
- 16no. x one-bed flats, 18no. x two-bed flats, 8no. x four-bed houses and 4no. x five-bed houses.
- 100% affordable housing.
- Site represents a stand-alone site offering the potential to create its own identity in its park setting and not have to conform to an established layout.
- Development of the site will result in a positively defined visual improvement adjacent to Byron Park and at the vista of Stuart and Peel Roads.
- Proposed high quality design and contemporary style encourages visual interest and introduces a diversity of architecture to the local area.
- Proposed height responds to and respects that of the adjoining terraced properties, with a number of three-storey blocks of flats.
- Provides a mix of accommodation type and size to meet the local needs of local residents.
- Proposed development reflects and accords with the London Plan and national planning policy, which supports the development of such previously developed and accessible sites.
- Communal and private amenity space to be provided, with additional balconies and substantial landscaping.
- 100% provision for cycle storage.
- All units to Lifetime Homes Standards, with 4 units to wheelchair standard.

**g) Consultations:**

Government Office for London

- Consulted on planning permission Ref: P/1516/08 as a Departure from the UDP. GOL concluded that the decision as to whether to grant planning permission will remain with London Borough of Harrow.
- Consulted on this application as matter of principle. Subsequent telephone conversation with Mr Philip Ako of GOL confirmed if no major alteration to proposal, would not require GOL referral, as in this instance.

**Advertisement:** Major Dwellings Expiry: 02-JUL-09  
Departure from UDP

**Notifications:**  
Sent: 93 Replies: 3 Expiry: 01-JUL-09

Site Notice: Expired 02-JUL-09

### **Summary of Responses:**

3 representations received objecting to the proposal on the following grounds:

- Impact on privacy, levels of light, noise and traffic pollution;
- Scale;
- Overlooking and overshadowing;
- Vehicular access location;
- Block view of the park;
- Design does not take into account Harrow's UDP; and
- Affect to nearby trees.

## **APPRAISAL**

### **1) Principle of Development and Land Use**

The principle of development is established by the planning permission Ref: 1516/08 dated 27<sup>th</sup> January 2009 for *'Redevelopment: 46 residential units [34 flats and 12 houses] in 3 x three-storey and four blocks, new shaped 'Home-Zone', access off Peel Road, 36 surface car parking spaces, 46 cycle spaces, private and communal garden space, private balconies and associated landscaping and refuse bin storage.'*

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

The height of the proposal is moderately higher than that of the residential properties surrounding the site, but similar in height to the adjoining three-storey block of flats. As the blocks are to have flat roofs, they will not appear significantly higher than the surrounding two-storey dwellings as they have pitched roofs. Considering the derelict state of the site at present, the development could be said to offer a more visually attractive addition to the street scene than that which it would replace.

The overall design of the development makes reference to the predominantly suburban nature of the locality. The modern appearance of the building with timber cladding, coloured render and mix of glazing offers a distinct identity to the site and the area in general. The layout of the proposed development is such that it provides a large amount of separation to the existing properties, while providing the new units with good amenity space, and maintaining the semi-open nature of the area. The proposed development represents a significant redevelopment of the site and would provide a contemporary addition to the area.

The proposal is considered to comply with Policy D4 explanatory paragraph 4.11 of the Harrow's UDP 2004, 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 two-storey dwellings with large garden areas, and a number of three-storey flatted blocks. This proposal is an isolated backland site, as such it is considered that it does not have to follow the exact form of the surrounding properties. The scheme respects the character of the area and provides a new, contemporary development that adds to the character and distinctiveness of the area.

Furthermore, explanatory paragraph 4.10 of Policy D4 states that '*Development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces*'. The proposed development provides a modern development while reflecting the character and appearance of the existing area, and is therefore considered compliant with Policy D4 of Harrow's UDP.

Each dwelling is to be provided with its own private amenity space, and the flats are to have good size patios or balconies and access to the communal amenity space. This amount of amenity space is considered adequate for a development of this nature, and provides future occupants with a good amount of private, usable amenity space.

The proposed scheme provides explanation of how it will attempt to address renewable energy and sustainable development policies of the London Plan, but it only provides predictive information. For major residential developments of 10 or more units, an applicant must demonstrate how the design of the development will incorporate these policies into the final scheme. A condition is recommended requesting further details before commencement of works.

Bin stores are to be located around the development. This arrangement is considered acceptable, but exact arrangements for refuse collection, storage and disposal of refuse will be required. Therefore, a condition is recommended requiring further details of these matters.

Overall the proposal is considered to represent good design and complies with Policy 4B.1 of the London Plan and Harrow's UDP.

### **3) Residential Amenity**

The height of the blocks of flats and dwellings has been limited to three-storeys [rising to four-storeys toward the centre of the site] to reduce the impact on the surrounding properties. A separation distance of at least 25m will be retained to the rear of the properties along Byron Road. The minimum back to back distance from a proposed dwelling to the existing dwellings is 28m. Due to these distances and the layout of the proposed buildings, it is not considered to be of material detrimental harm on the amenity of the surrounding properties in terms of overbearing, or loss of light.

Any windows facing neighbouring properties are to be obscure glazed and/or high level windows, and an obscure screen will surround the roof terraces on Block C. This will restrict overlooking to neighbouring properties.

The location of the proposed car parking is considered to be suitably located around the proposed buildings, with the majority of car parking adjacent to a non-residential boundary or in a courtyard. Where the car parking adjoins the western boundary of the site, the adjacent property at this point is a commercial property. The site will use the existing access from Peel Road and will be a tunnel-type access, which will limit noise to surrounding properties. A 2m-high fence / wall surrounding the site will also minimise the noise transference to neighbouring properties.

Accordingly, the proposal is not considered to adversely impact residential amenity and therefore complies with Policies EP25 and D5 of Harrow's UDP.

#### **4) Housing Provision and Density**

The proposal represents 46 units to Harrow's housing stock, which would make a positive contribution with regards to meeting annual housing targets for the borough. The scheme provides 16no. x one-bed flats, 18no. x two-bed flats, 8no. x four-bed houses and 4no. x five-bed houses. The change in housing type of this application from the approved scheme Ref: P/1516/08 is detailed:

- No three-bed houses [Approved scheme provided 8no. x three-bed houses];
- 8no. x four-bed houses [Approved scheme provided 4no. x four-bed houses];
- 4no. x five-bed houses [Approved scheme provided no five-bed houses]; and;
- The number of one and two-bed flats remain the same [16no. and 18no. respectively].

This aspect of the development is therefore supported in principle.

The proposed development would result in a density of 344HRH, based on a site area of 4700m<sup>2</sup> with 162 habitable rooms. The proposal would result in 98 DPH. The density levels are in line with those recommended by Policy 3A.3 and Table 3A.2 of the London Plan.

London Plan Policy 3A.9 requires all new-build major residential developments to have 50% affordable housing with a 70% to 30% split between social rented and intermediate housing. This proposal exceeds the affordable housing target figure by providing double the recommended level, which is compliant with London Plan policy.

Accordingly, the proposal complies with Policies 3A.8, 3A.9, 3A.10 and 3A.11 of the London Plan.

**5) Parking and Highway Safety**

The proposal will provide 32 standard and 4 disabled car parking spaces [36 in total], which equates to just under one space per unit (a 78% provision). The proposal also provides one cycle parking space for each dwelling. The proposed parking provision is considered acceptable, in circumstances where the site is accessible to good public transport links, namely Harrow & Wealdstone Station and a number of bus routes, and town centre amenities and services. The area around the development site is a Controlled Parking Zone, therefore to ensure no additional pressure is placed on street parking future residents will be ineligible to apply for resident parking permits.

Accordingly, the proposal complies with Policies T6 and T13 of Harrow's UDP.

**6) Accessible Homes**

The proposed development complies with Harrow's Accessible Homes SPD [April 2006], which requires 100% of all new residential developments to be built to meet the Lifetime Homes Standards. In this case, all 46 units would meet Lifetime Homes standards, furthermore 10% of all units would be built to meet Wheelchair Homes standards.

The proposed development is complies with Policy 3A.5 of the London Plan and Harrow's SPD on Accessible Homes.

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

The proposed design and layout offers adequate natural surveillance. Some detail is provided with regards to boundary treatment and how access to the rear garden amenity areas will be restricted. Detail has been submitted about security fencing to the rear garden amenity restricting unwanted access to the site, which is an important factor as the site backs onto a large area of open space.

There are no details of lighting levels, car park security or door and window security. A condition is recommended to request that these details are submitted before the occupation of the development.

**8) Consultation Responses**

GOL were consulted on the planning permission scheme Ref: P/1516/08 as a Departure from the UDP. GOL concluded that the decision as to whether to grant planning permission would remain with London Borough of Harrow.

GOL were also consulted on this application as matter of principle. A subsequent telephone conversation with Mr Philip Ako of GOL confirmed that if there is no major alteration to the proposal, would not require GOL referral.

Consequently, on the basis of GOL's response to the approved scheme Ref: P/1516/08, which is not too dissimilar to this application, does not require further consultation with GOL, as the principle is established.

## **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 subject to the following conditions; and completion of the legal agreement:

## **CONDITIONS**

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

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

2. 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.

3. 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.

4. Prior to the commencement of the roofing of any building a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed before the buildings 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.

5. The site shall remain enclosed by the existing fencing or temporary hoardings until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

6. The access carriageway shall be constructed to base course in accordance with the specification and levels agreed, 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.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out not later than the first planting and seeding seasons prior to the occupation of the building(s), or the completion of the development, whichever is the sooner. Any 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.

8. No site works or development other than demolition, substructure and drainage 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.

9. The development hereby permitted shall not be occupied until samples of the materials or the appearance thereof 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: Exterior coloured render and timber cladding

b: Windows

c: External paving and boundary treatment

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 08/013/101B have been constructed and surfaced with impervious materials, and 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. The proposed parking space(s) shall be used only for the parking of private motor vehicles in connection with the development hereby permitted and for no other purpose.

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

12. 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 Class A in Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the local planning authority.

REASON: To safeguard the character of the locality.

13. The development hereby permitted shall not be occupied 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.

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 occupied 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 occupied 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 shall not commence until details of a scheme aiming to achieve a reduction in carbon dioxide emissions of 20% or such percentage which is feasible from on site renewable energy generation and low carbon technologies has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall thereafter be retained so that it provides the required level of generation.

REASON: To ensure the development meets the basic requirements of London Plan policies 4A.1 and 4A.7.

## **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.3 Maximising the potential of sites

3A.5 Housing choice

3A.6 Quality of new housing provision

3A.8 Definition of affordable housing

3A.9 Affordable housing targets

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

3A.11 Affordable housing thresholds

4A.1 Tackling climate

4A.4 Energy assessment

4A.7 Renewable Energy

4A.21 Waste strategic policy and targets

4B.1 Design principles for a compact city

4B.5 Creating an inclusive environment

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

D10 Trees and New Development

EP25 Noise

T6 The Transport Impact of Development Proposals

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:

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](http://www.harrow.gov.uk/downloads/AccessforallSPD_06.pdf)

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

4. INFORMATIVE:

There may be public sewers crossing this site, so no building will be permitted within 3 metres of the sewers. The applicant should contact the Area Service Manager at Mogden, Thames Water Utilities, at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure, Tel: 08459 200800.

5. INFORMATIVE:

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

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

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

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

Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

6. 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 (i.e. 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.)

**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.

**9. INFORMATIVE:**

The relevant traffic order will impose a restriction making residential occupiers of this building ineligible for resident's parking permits in the surrounding controlled parking zone.

**10. INFORMATIVE:**

For the purposes of the avoidance of doubt demolition shall not constitute the commencement of development.

Plan Nos: 02-000 P2, 02-001, 05-001 Blk A, 05-002 Blk A, 05-003Blk A, 05-004 Blk B, 05-005 Blk B, 05-006 Blk B, 05-007Blk C, 05-008Blk C, 05-009Blk C, 05-010Blk C, 05-011Blk C, 05-012Blk C, 03-000 Blk A, 03-001 Blk A, 03-002 Blk A, 03-003 Blk A, 03-000 Blk B1, 03-001 Blk B1, 03-002 Blk B1, 03-003 Blk B1, 03-000 Blk B2, 03-001 Blk B2, 03-002 Blk B2, 03-003 Blk B2, 03-000 Blk C1, 03-001 Blk C1, 03-002 Blk C1, 03-003 Blk C1, 03-004 Blk C1, 03-000 Blk C2, 03-001 Blk C2, 03-002 Blk C2, 03-003 Blk C2, 03-004 Blk C2, 03-000 HT1, 03-000 HTA2, 03-000 HT2B, 03-000 HT3, 03-000 HT4A, 03-000 HT4B  
Planning Statement, Design and Access Statement, Energy Statement, Affordable Housing Statement, Transport Statement, Contaminated Land Assessment, Environ Report

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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**46 CHURCH ROAD, STANMORE**

**Item: 2/01**  
**P/0439/09/NR/E**

Ward STANMORE PARK

DEMOLITION OF EXISTING BAKERY BUILDING; PROPOSED REPLACEMENT DETACHED TWO STOREY BUILDING TO PROVIDE GARAGES ON GROUND FLOOR WITH OFFICES (CLASS B1) OVER

**Applicant:** Mr Michael Trainis

**Agent:** Mr Gordon Kirby

**Statutory Expiry Date:** 28-APR-09

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### RECOMMENDATION

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

### REASON

The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging more efficient use of land in town centres, as well as to all relevant material considerations and any comments received in response to publicity and consultation:

#### **National Planning Policy**

PPS1 Delivering Sustainable Development

PPS6 Planning for Town Centres

#### **London Plan 2008**

4B.1 Design Principles for a Compact City

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

D4 Standard of Design and Layout

D7 Design in Retail Areas and Town Centres

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

EM19 Change of Use of Shops in Non-Designated Parades

T13 Parking Standards

C16 Access to Buildings and Public Spaces

Supplementary Planning Document: Access for All (2006)

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

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### **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Principle of Development (PPS1, PPS6)
- 2) Character and Appearance of the Area (4B.1; D4, D7, SPG:Extns)
- 3) Residential Amenity (D4, SPG:Extns)
- 4) Employment Policy (EM15, EM19)
- 5) Traffic and Parking (T13)

- 6) Accessibility (C16, SPD:Access)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

### **INFORMATION**

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

#### **a) Summary**

Statutory Return Type: Minor Office, Retail and Distribution  
Council Interest: None

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

- The site comprises a two-storey former bake house building within the rear service area of the shopping parade 38-58 Church Road.
- The bake house was previously ancillary to the use of the ground floor unit at No.46, which has since changed to a travel agent, and the bake house is now redundant.
- The site is within Stanmore District Centre.
- The site backs directly onto the rear service road to this parade, which is accessed from Elm Park.
- Beyond the service road to the south is a row of single-storey lock up garages, with the residential properties at No.4 Elm Park beyond.
- To the north of the site is the rear elevation of the two-storey shopping parade, the first floor of which is occupied by residential flats.

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

- Demolition of bake house and construction of two-storey office building (class B1).
- The proposed building would have the same height and would occupy a similar position to the existing bake house, with a larger footprint.
- The building would measure 5.75 metres by 11.4 metres, to a height of 5.6 metres with a flat roof.
- The building would comprise two domestic sized garages and a reception area at ground floor with office accommodation at first floor.

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

|             |   |                      |
|-------------|---|----------------------|
| P/34/03/CFU | Demolition of bakery building & detached 2 storey replacement to provide garages on ground floor with offices (class B1) over | GRANTED<br>10-AUG-03 |
|-------------|---|----------------------|

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

- None.

#### **f) Applicant Statement**

- Design and Access Statement.

#### **g) Consultations:**

**Notifications:**

Sent: 17

Replies: 2

Expiry: 31-MAR-09

**Summary of Response:**

- would not be adequate parking for the occupants of the proposed office, proposed building would block the light and overlook the rear of the shops on Church Road
- disruption to neighbouring businesses during building work.
- would give rise to highway safety concerns at the entrance to the service road
- there are already parking issues at the rear of this parade
- unacceptable increase in footprint, and would impinge access for emergency vehicles.

**APPRAISAL**

**1) Principle of Development**

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the re-use of suitably located previously developed land and encourages bringing vacant and underused previously developed land back into beneficial use. This is re-iterated in London Plan policy 4B.1, which aims to maximise the potential of sites. Office uses are appropriate within town centres and as the site comprises previously developed land within a town centre, new office development is appropriate in principle. The proposal is a slightly revised version of the scheme which was assessed against the provisions of the 1994 HUDP and granted planning permission in August 2003, which has now expired.

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

The proposed office building would occupy a similar position to the existing bake house and would have the same height. The development would result in the new building projecting 1.4 metres further to the east (towards Elm Park) at ground floor level and 3.5 metres at first floor level compared to the existing bake house. The development would also result in the building being 1.9 metres closer to the rear of the parade of shops. A gap of 1.65 metres would be maintained between the new building and the main rear wall of No.48 Church Road and 1.25 metres would remain between the building and the main rear wall of No.46 Church Road, given the irregular siting of the proposed building at the rear of this parade. A gap of 6.0 metres would be maintained between the building and the lock up garages to the south, this forming the service road to the rear of the parade.

Harrow UDP policy D4 states that 'buildings should be designed to complement their surroundings and should have a satisfactory relationship with adjoining buildings and spaces'. The existing building on site is of poor design and appearance and it is considered that the proposed building would improve the appearance of this back of shops area. The replacement building would be the same height as the existing building and the relatively modest increase in bulk would principally be located to the north of the building, where it would be largely concealed by the rest of the building, as viewed from Elm Park.

The increase in size and bulk to the east of the building would be visible in views up the service road from Elm Park, although given that the building would be set away from this public viewpoint by 25 metres, it is considered that this would not be overly prominent or detrimental to the street scene. It is also considered that the proposed flat roof design would be acceptable in this location, given the roof designs of the rear projections of the adjacent parade.

The proposed replacement building is of an acceptable scale in relation to the surrounding buildings and, given the existing situation, would improve the appearance of this rear service yard. The proposal would therefore comply with policy D4 in this respect.

*Waste Management:*

It is proposed to store refuse and recycling to the north of the building, within the service yard to No.46, an area that the applicant has control over. The rear yard of this property is flat and would allow for the bins to be wheeled out to the service road on collection days. This storage area would not be overly visible from the service road and this arrangement is therefore considered to be acceptable.

**3) Residential Amenity**

There are residential flats located on the first floor, above the parade of shops on Church Road. The proposed replacement building would not project above cill level of the first floor rear window of No.48A Church Road and would therefore comfortably comply with the 45 degree vertical code from this property.

There are two large first floor windows at the rear of No.46A, one of which is located on the main rear facing wall of this property, approximately 4.5 metres from the proposed building. The proposal would therefore comfortably comply with the 45 degree vertical code from this window. The other window is located on the side elevation of the two-storey rear projection to this property and the proposed building would be sited approximately 1.5 metres from this window. It is however noted that this window is already obscure glazed and appears to serve a bathroom.

In summary, it is considered that the proposed replacement building would not result in significant unacceptable impacts to the occupiers of the flats above the parade. Given the town centre location, the proposed use, the siting of the building within a rear service area and the modest size of the proposed office, it is also considered that the proposal would not give rise to an unreasonable level of activity and disturbance to the occupiers of neighbouring residential properties.

The proposed building would be sited some 12 metres from the side boundary of the nearest residential property on Elm Park to the south, at No.4. Given this separation distance, it is considered that no undue overlooking of this property would occur. No windows are proposed on the west, east and north elevations and there would therefore be no overlooking of the properties on Church Road.

Concerns have been raised about the potential loss of light to the rear windows of the retail shops on Church Road. However, whilst the building would be closer to the rear windows of Nos.46 and 48 Church Road than the existing building, windows of non-residential properties are not normally considered to be protected. It is considered that an adequate separation distance would be maintained between the new building and the rear windows of these properties and the proposal is therefore considered to be acceptable in this regard.

**4) Employment and Town Centre Policy**

As discussed above, the proposed office use would be appropriate to this town centre location. Given the backland location of the site, the proposal would not result in the loss of retail frontage. Although in general terms there is a presumption in favour of maintaining all floorspace behind the frontage in retail use, in this case the bake house was required specifically for a retail operation which has now ceased. It is not considered that the implementation of this proposal would undermine the viability of the business which occupies the shopping parade, or give rise to an over intensive use of the site.

**5) Traffic and Parking**

The proposed building would include integral garages that could accommodate two cars. Notwithstanding the comments received in response to notification and consultation, it is considered that this parking provision would be acceptable, given the district centre location and the availability of public car parking and the relatively high public transport accessibility of the site. An adequate width of access would be retained for emergency vehicles and the proposal is therefore considered to be acceptable in this respect.

**6) Accessibility**

UDP policy C16 seeks to ensure that all new buildings are readily accessible to all and this is re-enforced by the Councils Supplementary Planning Document: Access for All. The proposed plans demonstrate level access to the main front entrance of the building and the external and internal doorway widths are of an adequate width. A disabled toilet is proposed on the ground floor and a stair lift is proposed to enable disabled access to the main first floor of offices. Given the modest size of the building which is proposed and the amount of likely employees, it is considered that the proposal would comply with policy C16.

**7) S17 Crime & Disorder Act**

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

**8) Consultation Responses**

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

- Disruption to neighbouring businesses during building work: Noise and disturbance from building works is not a material planning consideration. The building contractor would have to comply with noise nuisance legislation, which is enforced by Environmental Health. Whilst the potential for disturbance is noted, on its own this is rarely a matter that would warrant refusal of an application on this basis as all development will result in similar impacts.

## **CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including the comments received in response to publicity and consultation, as set out above this application is recommended for grant, subject to the following condition(s):

## **CONDITIONS**

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

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

2 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the building have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

3 The proposed garages shall be used only for the parking of private motor vehicles (and storage associated with the office use if appropriate) in connection with the development hereby permitted, and for no other purpose.

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

4 Storage shall not take place anywhere within the application site except within the building.

REASON: To safeguard the amenity of neighbouring residents.

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

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

and that work falls within the scope of the Act.

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

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

Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

2 INFORMATIVE:

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

3 INFORMATIVE:

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

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: 483:00A; S:01; S:02; P:01A; P:02A; P:03; Design and Access Statement

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**48 LADY AYLESFORD AVENUE, P/0830/09/FOD/E**  
**STANMORE**

**Item 2/02**

Ward: STANMORE PARK  
SINGLE STOREY REAR EXTENSION WITH BASEMENT

**Applicant:** Mr Aron Sloma  
**Agent:** Mr Prakesh Patel  
**Statutory Expiry Date:** 09-JUN-09

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## **RECOMMENDATION**

GRANT permission for the development described in the application and submitted plans:

## **REASON**

The decision to GRANT planning permission has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed extensions to the dwellinghouse would provide a high standard of design, protecting the character and appearance of the residential area without impinging unduly upon the amenity of the neighbouring occupiers, in accordance with policies D4 and D5 of the Harrow Unitary Development Plan (2004).

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

Supplementary Planning Guidance – Extensions: A Householder's Guide 2008

### **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Scale and Character and Appearance of the Area (D4 & Supplementary Planning Guidance – Extensions: A Householder's Guide 2008)
- 2) Residential Amenity (D5, Supplementary Planning Guidance – Extensions: A Householder's Guide 2008)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

## **INFORMATION**

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

### **a) Summary**

Statutory Return Type: Householder

Council Interest: None

### **b) Site Description**

- The subject site is located at the southern end of Lady Aylesford Avenue. The sloping character of the area from north to south means the application site is at a higher level than the nearby properties to the south west. The rear garden is approximately 16m in depth.

- The site is occupied by a three storey detached dwelling house with Juliet balconies at first floor level on the rear elevation of the property..
- The dwelling is within the recently built Stanmore Park development and as such has had permitted development rights removed.
- The character of this part of the development is predominantly defined as terraced housing, with sporadic detached dwellings sited to create a staggered building line, as is the case with the application property.
- Adjacent neighbouring dwelling at No.46 has a single storey rear extension some 2.6m in depth.
- The adjacent site to the south accommodates a building containing four garages, with terraced houses bounding a roundabout to the south.
- The rear garden is enclosed by close boarded fencing and extends some 16 metres beyond the existing rear wall of the dwellinghouse.
- The area immediately to the south of the site is used as car parking space.

**c) Proposal Details**

- Construction of single storey rear and basement extensions.
- The proposed single storey rear extension would project 3m beyond the original rear wall of the dwelling and would match the 6.25m width of the original dwelling.
- The extension would have a flat roof over to a height of 2.73m.
- A basement is proposed to be constructed beneath the footprint of the proposed extension, with a 2.2m floor to ceiling height.

**d) Relevant History**

|           |  |  |
|-----------|--|--|
| P/3158/08 | Single/two storey rear and basement extensions, additional windows in first and second floor flank walls | REFUSED<br>11-DEC-08<br>APPEAL<br>DISMISSED<br>20-MAR-09 |
|-----------|--|--|

**Reason for Refusal:**

1) The proposed extensions, by reason of prominent siting, excessive scale, bulk and site coverage, rearward projection and unsatisfactory design, would be unduly obtrusive, result in loss of neighbouring light and privacy and give rise to a building which would be disproportionate to the size of the original dwellinghouse, to the detriment of the appearance and character of the area and the building, and the residential amenities of the occupiers of the adjacent properties, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: 'Extensions: A Householders Guide (2008)'.

**e) Revision to previous application (P3158/08)**

- Two-storey rear extension removed
- Depth of single storey rear extension reduced

**f) Pre-Application Discussion**

- None

**f) Applicant Statement**

- None

**g) Consultations**

Environment Agency: No objection.

Thames Water: Informative suggested.

**Notifications:**

Sent: 9

Replies: 0

Expiry: 14-MAY-09

**Summary of Responses:**

- None

**APPRAISAL**

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

The site is located in the Stanmore Park estate which overall comprises development of a variety of forms and designs but includes within it areas with a high degree of uniformity and symmetry. In the decision on the appeal of the previous application (ref P/3158/08) the Inspector found that this uniformity and symmetry was a defining and attractive characteristic of the estate. The Inspector found that the application site contributes to the uniformity and symmetry of design in that it matches the forward siting and form of the property opposite at 69 Lady Aylesford Avenue and together these properties complement the symmetry of the houses and outbuildings at 50 and 71 Lady Aylesford to the south. Their contribution to the character and appearance of the estate is therefore considered significant.

In assessing the previous application the Inspector found that, given the significant contribution of the dwellinghouse to the character of the area, the addition of readily visible extensions to the property which would be uncharacteristic of the area would have a harmful appearance on the character and appearance of the area. Due to the fall in ground levels from the application site down towards the properties to the south west, the proposed extension would only be partially visible from a small part of the street. The removal of the originally proposed first floor rear extension and reduction in the depth of the ground floor extension would considerably reduce the bulk of the proposal and its impact on the streetscene. Further it is considered that the use of a flat roof in place of the previously contrived shallow pitched roofs would be more appropriate in this instance. The size and design of the extension complies with the SPG guidelines for a single storey rear extension to a detached property, and ensure that the proposal would not be obtrusive within the streetscene or harmful to the character of this part of the estate or the property itself.

The addition of a basement would not have an impact on the character and appearance of the area or the property.

**2) Residential Amenity**

The proposed extension would then align with the original main rear wall of the neighbouring property to the north, No.46, as it is set back from the application house by approximately 3m, and is at a slightly higher ground level. No. 46 also features a single storey rear extension which projects a further 2.6 metres beyond the rear wall of this property and it is therefore considered that there would be no additional impact on the living conditions of the occupiers of No.46 as a result of the proposal.

The nearest dwelling to the south would be some 32m away and would not suffer any undue overshadowing, loss of outlook or loss of privacy. Similarly the adjoining properties to the rear are set away 10m from the proposed extension and it is considered that the development would not give rise to an objectionable loss of outlook or overshadowing, and given the absence of windows from the flank walls of the proposed single storey rear extension, no overlooking of the neighbouring properties would occur.

The proposed basement would not have an impact on the amenity of the neighbouring properties.

In dismissing the previous appeal on the site for the single and two-storey rear extensions and basement extensions, the Inspector concluded that there would be no unacceptably harmful effect on the living conditions of the neighbouring properties. Given the reduction in the scale of the current scheme, as discussed above, it is considered that there would be no undue impact on the amenity of the neighbouring properties, in accordance with Policy D5 of the HUDP (2004) and the Council's SPG on householder extensions.

**3) S17 Crime & Disorder Act**

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

**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.

**CONDITIONS**

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

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

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

REASON: To safeguard the appearance of the locality.

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

REASON: To safeguard the amenity of neighbouring residents.

## **INFORMATIVES**

### **INFORMATIVE:**

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

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

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

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

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Textphone: 0870 1207 405

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

### **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:**

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Plan Nos : 01, 2, 3, Site Plan

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**24 GORDON AVENUE, STANMORE**

**Item 2/03**

**P/0556/09/FOD/E**

Ward STANMORE PARK

DETACHED SINGLE/TWO-STOREY DWELLINGHOUSE IN SIDE GARDEN

**Applicant:** Mr & Mrs Colley

**Agent:** The Hutchinson Studio Architects

**Statutory Expiry Date:** | 06-MAY-09

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## **RECOMMENDATION**

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

## **REASON**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed development would achieve a high standard of design in a way that makes efficient and effective use of land whilst contributing to the provision of additional 'homes' targets, as detailed in The London Plan 2008, and would be acceptable in relation to its impacts upon the amenities of the neighbouring residents, ecology and the character of the area.

### **National Planning Policy**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

Planning Policy Statement 25 – Planning and Flood Risk

### **The London Plan 2008**

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

3A.2 – Borough Housing Targets

3A.3 – Efficient use of stock

3A.4 – Housing Choice

3A.5 – Large Residential Developments

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

EP11 – Development within Floodplains

EP12 – Control of Surface Run-Off

EP27 – Species Protection

EP28 – Conserving and Enhancing Biodiversity

EP29 – Tree Masses and Spines

T13 – Parking Standards

C16 - Access to Buildings and Public Spaces

Supplementary Planning Guidance: Extensions – A Householder's Guide (2008)

Supplementary Planning Document: Accessible Homes (2006)

**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Principle of Development (PPS1, PPS3, 3A.3)
- 2) Character and Appearance of the Area (3A.1, 3A.2, 3A.3, 3A.4, D4, D9, SPG : Extensions – A Householder’s Guide 2008)
- 3) Residential Amenity (D5, SPG : Extensions – A Householder’s Guide 2008)
- 4) Drainage, Wildlife Preservation and Trees (EP11, EP12, EP27, EP28, EP29)
- 5) Traffic and Parking (T13)
- 6) Accessible Homes (3A.5, C16, SPD: Accessible Homes 2006)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

**INFORMATION**

The application is referred to the Planning Committee at the request of a Nominated Member.

**a) Summary**

Statutory Return Type: Minor Dwellings  
Council Interest: None

**b) Site Description**

- The application site is located on the southern side of Temple Pond and is accessed via a private driveway off Gordon Avenue to the east.
- The entrance road to the site serves the dwellinghouse on the site and the neighbouring property, No.26 Gordon Avenue. This driveway is approximately 70 metres in length and enclosed on both sides by mature vegetation.
- No.24 occupies a large site at the bottom of the driveway and the existing dwellinghouse on the site occupies an area on the western part of the site.
- The existing dwellinghouse on the site is sited sideways onto the Pond and comprises an attractive two-storey property which uses a variety of different brick and tile materials. The first floor of the property is contained within the extensive mansard roof of the dwelling. The property has been substantially extended to the north and rear whilst retaining a significant amount of open space around the dwellinghouse.
- Immediately to the front of the property is a large lawned garden which extends approximately 35-40 metres to the west. Beyond the garden in the area adjacent to the neighbouring properties, No.’s 18-22 Gordon Avenue, is an area of dense vegetation, consisting of various conifers and deciduous trees.
- A number of trees along the northern boundary of the property and two trees on the western side of the site are subject to Tree Preservation Orders (TPOs).
- The site lies within the Flood Plain of the Edgware Brook.
- The south-western boundary of the property is made up of hedgerows and mature trees.

- The neighbouring properties to the south, No.26 and 28 Gordon Avenue are large two and three storey semi-detached properties.
- The neighbouring properties to the south-west of the site, No.18-22 Gordon Avenue are substantial two-storey detached properties which benefit from generous rear gardens.

**c) Proposal Details**

- It is proposed to erect a two-storey detached dwellinghouse with single storey element in the garden of No.24 Gordon Avenue
- The proposed dwellinghouse would be sited on the eastern part of the site and would have a footprint of approximately 200m<sup>2</sup>. The existing site would be split in two parts, with an area of 1270m<sup>2</sup> for the existing house and 810m<sup>2</sup> for the site of the new dwellinghouse.
- The principal elevation of the proposed dwellinghouse would be orientated towards Temple Pond to the north and this elevation is sited approximately 11.5 metres from the bank of Temple Pond.
- The dwellinghouse has been designed to reflect the character of the existing dwelling house on the site and features a mansard roof. The various materials to be used would largely reflect the materials used on the existing dwellinghouse on the site.
- The proposal has incorporated a modern design with a large central atrium providing the primary focus on the northern elevation of the dwellinghouse. Further windows are proposed on this elevation including four sets of patio doors on the ground floor and a balcony serving bedroom 2 on the western side of the first floor of the proposed dwellinghouse.
- The property would be accessed via the southern elevation of the property and an attached garage is also proposed on this elevation.
- The proposed garage would occupy a wedge shaped area on the southern flank of the building with the southernmost wall of the garage running parallel and approximately 1 metre from the existing boundary of the property.
- An area of hardsurfacing is proposed adjacent to the entrance of the property and the garage which would be used as a driveway.
- The southern elevation of the property would feature a large bay window with high level windows centrally placed in the rear elevation. Rooflights and solar panels would be accommodated in the upper part of the mansard roof.
- Bin storage is proposed on the southern elevation adjacent to the main entrance to the house.
- The proposal would result in the loss of some of the trees on the western and southern parts of the site. Garden sheds in the western part of the site would also be removed.

**Revision to previous application (P/1331/05/DFU):-**

- Scale, footprint and design of proposed dwellinghouse reduced and changed
- Siting of dwellinghouse moved further away from the lake
- Flood Risk Assessment and Arboricultural Survey submitted with current application

**d) Relevant History**

|                  |  |                      |
|------------------|--|----------------------|
| EAST/1161/99/FUL | TWO STOREY EXTENSIONS ON EACH SIDE AND, SINGLE STOREY REAR EXTENSION | GRANTED<br>21-JAN-01 |
| P/1331/05/DFU    | DETACHED TWO STOREY HOUSE IN SIDE GARDEN                             | REFUSED<br>04-AUG-05 |

**Reasons for Refusal:**

1. The proposed new dwelling by reason of excessive size and bulk would not appear well contained within the application site, representing overdevelopment, and by virtue of a prominent siting in relation to the adjacent dwellings, fronting Gordon Avenue, would appear unduly obtrusive and overbearing and give rise to unacceptable actual and perceived overlooking, to the considerable detriment of the visual and residential amenities of the occupiers of those adjacent properties, and the character of the locality.
2. The applicant has not provided sufficient information detailing trees that would be retained and trees that would be lost as a result of this development. The site is subject to a Tree Preservation Order and the loss of any protected tree or other mature tree from the site would be unacceptable and to the detriment of the character and appearance of the locality.
3. The application is not accompanied by a Flood Risk Assessment (FRA) as required by PPS 25. The site is located in Flood Zone 3 which is the high risk zone and is defined for mapping purposes by Environment Agency Flood Zones. Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).
4. The proposed development is located in close proximity to the top of the Edgware Brook and Temple Pond. This will prejudice flood defence interests, restrict necessary access to the watercourse to carry out maintenance works, adversely impact upon any future river improvement schemes, have a negative impact upon the character of the river corridor and may cause the rivers bank to become destabilised consequently increasing the risk of bank erosion. An adequate buffer zone is also necessary to maintain the semi-natural character of the Edgware Brook/Temple Pond and provide undisturbed refuges for wildlife using the river corridor.

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Design and Access Statement
- Existing property on the site is a brick built property with a mansard roof which has been extended
- Large site would be divided, retaining 1270m<sup>2</sup> for the grounds of the existing dwellinghouse and 810m<sup>2</sup> for the new property.
- Proposal developed in association with the Environment Agency

- Roof form, height and bulk reduced significantly from the previous proposal
- New dwellinghouse designed to harmonise with the existing dwellinghouse on the site
- Designed to be fully accessible

**g) Consultations:**

Drainage Section – No objections subject to conditions

Environment Agency – No objection subject to conditions

Biodiversity Consultant (Mouchel) – Adequate information submitted in relation to the impact upon bats and newts. No objection subject to conditions

Stanmore Society – Objection; proposal would be out of character with the area

Thames Water Utilities – No objection subject to informative

**Site Notice Posted:** 02-APR-09 Expiry: 23-APR-09

**Notifications:**

Sent: 12 Replies: 1 Expiry: 03-APR-09

**Summary of Response:**

- Development would be out of character with the area

## **APPRAISAL**

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

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the use of suitably located previously developed land and encourages bringing vacant and underused previously developed land back into beneficial use and this is re-iterated in London Plan policy 3A.3. Annex B of PPS3 states that 'previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land'. As the site comprises land within the curtilage of an existing dwellinghouse, it is considered to be previously developed land for the purposes of PPG3 and therefore housing development is appropriate in principle.

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

The western part of Gordon Avenue is primarily characterised by large detached dwellinghouses. No.24 Gordon Avenue occupies one of the largest sites within the area (approximately 2100m<sup>2</sup>) and the existing dwellinghouse on the site has been extended on the western side. Adjacent properties in the area occupy sites varying between 600m<sup>2</sup> and 1500m<sup>2</sup>. The existing and proposed dwellinghouses would occupy sites of approximately 1270m<sup>2</sup> and 810m<sup>2</sup> respectively. The footprint of the proposed dwellinghouse would be approximately 200m<sup>2</sup>. It is considered therefore that subject to acceptable details in relation to the scale, siting and design of the proposal, the proposed dwellinghouse would respect the context and scale of the residential area, in accordance with policy D4 of the HUDP (2004) and the existing house would be contained within a plot of appropriate size.

Close attention has been paid so that the design of the proposed dwellinghouse follows similar design principles to that of existing property. The proposed dwellinghouse would mirror the style and form of the existing house on the site and has been designed as a 'baby' version of the existing building. The proposed design and scale of the dwellinghouse would therefore satisfy policy D4 of the HUDP which requires a high standard of design and layout in all development proposals and would reflect the character of the existing dwelling on the site.

The building has been orientated towards Temple Pond and the area of public open space to the north of the pond. On the northern elevation facing the pond, it is considered that the width of the proposed dwellinghouse the areas of glazing and the use of a centrally placed focal point ie. the central glass atrium would provide an acceptable aspect to the Pond. The use of materials to reflect those of the existing dwellinghouse would create an appropriate relationship between the new dwellinghouse, the existing dwellinghouse and the extensively wooded surrounds of the property.

The ground floor of the southern elevation of the property would predominately comprise the attached garage. The design of this element has been reassessed to significantly reduce its bulk and the proposed flat roof is now considered acceptable. The reduced height of the attached garage would prevent it dominating this elevation. Whilst the southern elevation would not display prominent features, the rear bay window again acts as a focal point, serving to break up the massing of the rear elevation.

Despite the loss of some trees from the western and southern parts of the land, the site would remain significantly screened by mature vegetation on the boundaries, providing an attractive setting for the proposed dwellinghouse. Measures to protect the remaining trees on the site will be discussed further in paragraph 4 below.

Land between the Pond and the proposed building would remain as a garden area, and this would benefit the character of the area.

The refuse bins are proposed to be stored on the southern elevation of the dwellinghouse, and given the siting of the dwellinghouse away from the Gordon Avenue and the significant levels of vegetation screening the western side of the proposed dwelling, the proposed location of the refuse bins is considered acceptable.

It is considered that the proposed development has taken account of the unique and distinctive characteristics along Gordon Avenue and the surrounding areas, while paying close attention to the design and form of the existing dwellinghouse on the site and therefore, the proposed dwelling house would respect the scale and character of the property and that of the residential area, in accordance with Policies D4 and D9 of the HUDP.

### **3) Residential Amenity**

The proposed development shows sufficient amenity space whilst retaining a large garden for the occupiers of the existing dwellinghouse. Similarly, the dwellinghouse would occupy a satisfactory setting in relation to the neighbouring properties being sited approximately 14 metres from the eastern elevation of the existing dwellinghouse on the site. The nearest other dwellinghouses which front onto Gordon Avenue would be some 25-30 metres away.

No windows are proposed in the western and eastern flank walls save for the small first floor window on the eastern side of the property. Given the oblique angle this window would have with the neighbouring rear gardens, the extensive screening and vegetation retained on the eastern boundary of the property and the distance of the window from the rear walls of the neighbouring dwellinghouse, it is considered that a condition requiring this window to be obscure glazed would preclude any negative impacts on the privacy of the neighbouring properties. Similarly, the balcony proposed on the northern elevation closest to the eastern boundary of the property would not allow any direct overlooking of the neighbouring rear gardens and would be significantly screened from these properties.

The windows on the northern elevation of the property would not have an impact on the amenity of the neighbouring properties, being sited over 100 metres from the nearest residential properties to the north.

No windows or openings are proposed in the western elevation and it is considered that the separation distance between the existing and proposed dwelling would preclude any overbearing or overshadowing impact. Although the entrance and driveway to the properties would be sited on the side closest to the principal elevation of No.24, it is considered that any additional activity or disturbance arising from comings and goings of occupiers and visitors would be consistent with a suburban location such as this.

On the southern elevation, two rooflights and some high level glazing in the bay window are proposed. It is considered that the separation distance of the proposed southern elevation from the closest dwellinghouse to the south and the use of high level windows which would not serve habitable rooms would negate any potential overlooking of these properties.

### **4) Drainage, Wildlife Preservation and Trees**

The application site is located within the flood plain of the Edgware Brook and the applicant has given careful consideration to the constraints of the site in this regard, with the proposed dwellinghouse being sited approximately 11 metres from the banks of Temple Pond. The Council's Drainage Section and the Environment Agency have both agreed that the potential impacts of flood risk on the site and elsewhere could be mitigated by the imposition of conditions. As suggested by the Environment Agency, a 4 metre wide buffer zone has been provided as part of the proposal in order to retain access to Temple Pond for any reparatory works that may be required in future years.

The applicant has submitted ecological and habitat surveys in relation to the presence of newts and bats on the site. The Council's Biodiversity Consultant has determined that negative impacts upon these species are unlikely subject to the relevant conditions attached.

Whilst some trees are proposed to be removed, the Council's Tree Officer has determined that those trees to be removed are not of significant amenity value and the protected trees on and adjacent to the site would not be affected by the proposal. The most important trees on the northern and eastern boundaries of the site are to be retained and as such, conditions relating to the retention and protection of those trees that are proposed to be retained would preclude any negative impacts on trees on the site.

**5) Traffic and Parking**

Given the established nature of the driveway to the site and the provision of sufficient parking spaces on the site for the potential occupiers of the dwellinghouse, it is considered that there would be no detrimental impacts upon highway or pedestrian safety as a result of the proposal.

**6) Accessibility**

The proposed dwellinghouse has been designed as a Wheelchair Accessible Home, with the addition of a chairlift to the first floor. A disabled wet room has been included in the proposal and internal and external door widths and turning circles would be sufficient to accommodate wheelchair users. Level access is provided throughout and parking spaces would be of sufficient width and depth to provide for disabled users, in accordance with policy C16 and the Council's SPD on Accessible Homes.

**7) S17 Crime & Disorder Act**

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

**8) Consultation Responses**

The concerns expressed about the impact of this development on the character of the area are discussed at length above. No other comments have been received.

**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, subject to the following condition(s):

**CONDITIONS**

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

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

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

- (a) the building(s)
- (b) the ground surfacing
- (c) the boundary treatments

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 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.

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, 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 trees on the site and the amenity of the neighbouring occupiers.

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

REASON: To safeguard the amenity of neighbouring residents.

6 The hall window(s) in the first floor southern flank wall of the proposed development shall be of purpose-made obscure glass,

REASON: To safeguard the amenity of neighbouring residents.

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

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

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 permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Conisbee dated November 2008 Ref: 080162/HMH and the following mitigation measures detailed within the FRA:

- Identification and provision of a safe dry route into and out of the site during a 1 in 100 year flood event (including climate change).
- Finished floor levels are set no lower than 300mm above the 1 in 100 year (climate change) flood level of 74.69 m above Ordnance Datum (AOD).
- Provision of an 8m buffer zone from the watercourse and 4m wide access route to the defences to provide access for maintenance purposes.

REASON: To ensure safe access and egress from and to the site, to reduce the impact of flooding on the proposed development and future occupants and to protect and enhance biodiversity.

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 erection of fencing for the protection of any retained tree shall be undertaken in accordance with the details specified in paragraphs 6.0 and 7.0 and Appendix 2 of the Arboricultural Report (conducted by Marishal Thompson and dated 10/03/2009) 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.

13 Any external lighting of the existing or proposed dwellinghouses should use sodium lamps instead of mercury or metal halide lamps in order to minimise disturbance to bats. Any external lighting should be directed downwards using a shield and be fitted with motion sensors to avoid permanent illumination, in accordance with details to be submitted and approved in writing by the Local Planning Authority, prior to the installation of any such lighting. The details shall be installed as approved and retained as such thereafter.

REASON: In order to minimise the effects on protected species in the locality.

## **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:**

**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.

**3 INFORMATIVE:**

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

**4 INFORMATIVE:**

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

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

Plan Nos: HS0607/P/002 – Rev A, HS0607/P/100 – Rev B, HS0607/P/101 – Rev B, HS0607/P/102 – Rev B, HS0607/P/103 – Rev A, HS0607/P/105 – Rev B, HS0607/P/200 – Rev B, HS0607/P/300 – Rev B, HS0607/P/301 – Rev B, HS0607/P/302 – Rev B, HS0607/P/303 – Rev B, HS0607/P/304 – Rev B, 2071 – Rev A, Design and Access Statement, Great Crested Newt Habitat Suitability Survey (received 28/05/2009), Bat Survey (received 04/06/2009), Arboricultural Report (received 10/03/2009), Flood Risk Assessment (received 10/03/2009), Tree Protection Plan (1b –R1 – received 10/03/2009)

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**13 HARROW VIEW, HARROW**

**Item: 2/04**

**P/0520/09/AT/C**

Ward: MARLBOROUGH

CONVERSION OF DWELLINGHOUSE TO THREE FLATS; EXTERNAL ALTERATIONS

**Applicant:** Mr Roy Gooder

**Statutory Expiry Date:** 26-MAY-09

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## **RECOMMENDATION**

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

## **REASON**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 listed below and all relevant material considerations and any comments received in response to publicity and consultation, as the proposal is acceptable in relation to its impact upon the amenities of neighbouring occupiers and the character of the area.

### **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

4B.1: Design principles for a compact city

### **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

H10 Maintenance and Improvement to Existing Housing Stock

T6 The Transport Impact of Proposals

D10 Trees and New Development

D14 Conservation Areas

D15 Extensions and Alterations in Conservation Areas

T13 Parking Standards

EP25 Noise

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

Supplementary Planning Document 'Accessible Homes' (2006)

Conversion of Dwellinghouses to Flats – Informal Guidance (October 2007);

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

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Character and Appearance of the Area (3A.1, D4, D5, D9, SPG)
- 2) Residential Amenity, including Lifetime Homes ((D4, D5, SPG, H10; 3A.1, 3A.2, 3A.4, 3A.5)
- 3) Parking and Landscaping (T6, 13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

**INFORMATION**

This application is referred to committee at the request of a Nominated Member.

**a) Summary**

Statutory Return Type: Minor Dwellings  
Council Interest: None

**b) Site Description**

- Two storey semi-detached property on the eastern side of Harrow View;
- Property has been extended with a single storey rear extension and rear dormer;
- There is a side access to the rear garden;
- The rear garden is approximately 22.2m deep and 6.0m wide;
- Property to the north (no. 15) has a single storey rear extension
- Property to the south (no.11) has not been extended

**c) Proposal Details**

- Convert the existing single family semi-detached dwellinghouse into three residential flat units including two single bedroom studio flats and one two bedroom flat.
- Flat one would be a studio flat situated on the ground floor at the front of the building and would contain a main room with an area of 30.38 square metres and a bathroom.
- Flat two would be a studio flat located at the rear of the building and provided over two levels. On the ground level would be the main room with an area of 26.94 square metres with the first floor containing the bathroom only.
- The third flat would consist of a two bedroom flat located at the front of the building at the first floor and within the loft. The first floor would consist of a main room lounge/kitchen measuring 22 square metres and a bedroom measuring 12.5 square metres. The loft would consist of a second bedroom measuring 16.7 square metres and a bathroom.
- The first flat would have access to the rear garden via the studio room opening to the side access.
- The second studio flat at the rear would have direct access to the rear garden via a patio door from the main room.
- The third flat would gain access to the rear garden via the side passageway only

- The refuse storage bins would be located in a designated area within the rear garden, adjacent flat no. 2's rear amenity space
- The rear garden space would be divided into three private gardens. Flat 1 would have an area of 34 square metres, flat two an area of 22 square metres and flat three an area of 28 square metres.
- A single parking space would be provided as well as the provision of landscaping on the front garden

**Revisions to Previous Application:**

- Flat one proposed a one bedroom flat with a separate kitchen/living room. This has now become a single room studio with a bathroom.
- Flat two proposed a one bedroom flat, with the bedroom and bathroom located on the first floor and the kitchen and living room located on the ground floor. This has now become a single room studio on the ground floor with only the bathroom on the first floor.
- Flat three proposed a separate bedroom and lounge/kitchen on the first floor and a bedroom and bathroom in the loft. The bathroom was accessed via the bedroom. The bathroom is now accessible from a common hallway and not the bedroom.
- The front garden has been rationalised to maximise the amount of soft landscaping possible.
- The outdoor amenity space for flat one was previously provided to the side of the dwelling unit, with flats two and three provided with area within the rear garden. The proposal now provides outdoor amenity space for each of the units within the rear garden.

**d) Relevant History**

|           |  |                      |
|-----------|--|----------------------|
| P/3343/08 | Conversion of dwellinghouse into three self-contained flats; external alterations. | REFUSED<br>24-DEC-08 |
|-----------|--|----------------------|

**Reasons for Refusal:**

1) The proposed development would give rise to an over-intensive use of this site, by reason of the number of units proposed, and would give rise to an unreasonable increase in residential activity and associated disturbance, to the detriment of the amenity of neighbouring occupiers and the character of the locality, contrary to Policies D4 and D5 of the Harrow Unitary Development Plan (2004).

2) The proposal, by reason of its unsatisfactory layout and room sizes, inadequate provision of private amenity space for the ground floor front flat and non-compliance with Lifetime Home standards, would result in loss of privacy and provide cramped and substandard accommodation to the detriment of the amenities of future occupiers of the site contrary to policies 3A.5 of the London Plan, D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Documents: Accessible Homes (2006)

3) The proposed front garden parking arrangement would leave little scope for soft landscaping and would detract from the appearance of the property in the street scene and be detrimental to the character and appearance of the locality, contrary to Policies D4 and D9 of the Harrow Unitary Development Plan (2004)

P/1010/08/DCP Certificate: demolition of shed and store; construction of single storey rear extension; rear dormer; two roof lights on front roof GRANTED  
02-MAY-08

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- Refer to the submitted Design and Access Statement.

**g) Consultations:**

Waste Management – The three flats would need to be provided with the three bin system. Bins would be collected from the front boundary (of the property) with Harrow View.

Highways Engineer -

Based on 'Lifetime Homes' requirements we should be endeavouring to provide the single disabled space on the frontage.

**Notifications:**

Sent: 14

Replies: 1

Expiry: 26-MAY-09

**Summary of Response:**

- In refusing the previous application the Council recognised that the proposed development would give rise to an over-intensive use of the site, to an unreasonable increase in residential activity and associated disturbance to the detriment of the neighbours. This latest application does not alter or allay these risks.
- Soliciting and drug abuse has recently become a problem within the local streets.
- The previously approved building works have caused disruption to the living conditions to neighbouring residents
- Parking is inadequate to accommodate inhabitants of 3 units
- Risk of on street parking, which would obstruct buses
- Bins might obstruct pedestrians standing at the bus stop
- Proposal is not sympathetic to neighbouring living arrangements
- Proposal is not consistent with current local needs

**APPRAISAL**

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

There would be no physical change made to the front elevation of the dwellinghouse in association with this planning application. The proposal would therefore retain the existing appearance of a single family dwellinghouse in the streetscene. The provision of one parking space and replacement of the existing hardstanding in the front garden with soft landscaping would make a positive contribution to the appearance of the property.

## **2) Residential Amenity, including Lifetime Homes**

### Internal Layouts of Flats

It is considered that the proposed changes made to the internal layout have satisfied the previous reasons for refusal. By converting Flats 1 and 2 into studio flats, as opposed to the previously proposed one bedroom flats the internal space requirements have been satisfied. The informal guidance for flat conversions requires that studio flats, which are defined as having a single combined bed and living room, have a minimum habitable floor area of 19.5 square metres. Flat 1 would have a habitable floor area of 30.38 square metres while Flat 2 would have a habitable floor area of 26.94 square metres. Flat three would remain as a two bedroom unit provided over two floors, however the bathroom would now be accessed via a common access hallway which satisfies the informal guidance for conversion of dwellinghouses to flats.

The proposed development is also considered to satisfy the Council's informal guidance for conversions of dwellinghouses to flats in relation to stacking and as such the internal layout of the proposal is considered acceptable.

### Lifetime Home Standards

The ground floor flat is considered to satisfy the requirements of the Lifetime Homes Standards and as such could accommodate a person with disabilities. The door width are 800mm in width and access to the site would be provided via a small ramp at the communal front door. One disabled parking space is also acceptably provided within the front garden.

### Private Amenity Space

The previous application contained a reason for refusal which made mention of the provision of inadequate amenity space for Flat 1. The application has been amended to provide amenity space to all three flats within the rear garden. Flat 1 would have an area of 34 square metres, flat two an area of 22 square metres and flat three an area of 28 square metres. Flat 1 would have access to the rear garden via the main room opening to the side common access, while Flat 2 would have direct access to the rear garden via a patio door from the main room. Flat 3 would gain access to the rear garden via the common front door and using the side passageway only. This provision of and means of access to the outdoor amenity space is considered acceptable.

### Refuse and Recycling storage

Policy D4 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 character and appearance of the area. The refuse and recycling bin area for the flats would be located adjacent to the amenity space for the second flat at the rear of the property. This site is considered acceptable as it would not be visible from the street and would not lead to any detrimental impact on residential amenities. The Waste Management Department of the Council was consulted on this application and indicated that each flat would require three bins. As such the proposal indicates an area for the storage of nine bins.

Impact on Neighbours and the Locality

Whilst it is acknowledged that the number of units proposed within the development has not changed from the previous refused application it is considered that the proposed change in layout to include two studio flats would limit the number of potential occupants to a reasonable level for the size of the property. It is considered therefore that the proposal would not result in an unreasonable increase in residential activity and disturbance significantly above that which could be present if the property remained as a single family dwellinghouse.

**3) Parking and Landscaping**

The proposal includes the provision of one off street parking space. The Council's Highways Engineer was consulted on this application who requested that one parking space be provided to ensure the development satisfied the Lifetime Homes Standards. The parking space would be 3.3m in width and 4.8m in depth and located adjacent to the southern boundary and would also incorporate the front entrance pathway.

Paragraph 4.21 of policy D4, recognises the contribution front gardens can make to the character of an area or locality. The LPA seeks their retention, reinstatement and enhancement in proposals as stipulated in policy D9. This is to ensure that the greenery of front gardens is enhanced to improve the appearance of the development and the street scene. The previous application was refused due to insufficient area provided in the front garden for soft landscaping. However, the current application has rationalised the front garden area to have the parking space also incorporating the front entrance pathway. This would allow the parking space to overlap with the pathway and therefore provide the opportunity for an increased area of soft landscaping in the front garden. The proposed area for soft landscaping is considered would enhance the appearance of the front garden on the street scene and is therefore acceptable.

**4) S17 Crime & Disorder Act**

The applicants design and access statement states that the layout of the proposed development would facilitate natural policing and this will be aided by fences around the garden area, and windows and doors will be fitted with anti-theft lock. The demolition of the garages in itself raises no issues with Secured by Design principles. It is considered that the proposed development would not have a material impact upon community protection.

**5) Consultation Responses**

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

- The soliciting of and use of drugs in the area is not a material planning consideration.
- When granting planning permission for the extension of a dwellinghouse it is accepted that some disturbance will occur to the neighbouring residents during the construction process. This disturbance however would be for a limited time and therefore not a reason for withholding planning permission.

- The area is considered to be well serviced by public transport with the subject site within walking distance of both London train and bus services. This would reduce the need for car ownership. Harrow View also contains on street parking restrictions ensuring no parking on the street.
- It is considered that there is sufficient area for the collection of bins at the front of the property without any obstruction of the bus stop.
- Any other concerns raised in the submission has been addressed elsewhere in the report.

## **CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including the comments received in response to publicity and consultation, as set out above this application is recommended for grant, subject to the following condition(s):

## **CONDITIONS**

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

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

2 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.

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

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

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

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

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

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

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

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:

D4, D5, D9, H10, T6, T13, EP25;

Conversion of Dwellinghouses to Flats - Informal Guidance (October 2007);

Supplementary Planning Guidance, Extensions: A Householder's Guide (2008);

Supplementary Planning Document, Accessible Homes (2006);

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

### **2 INFORMATIVE:**

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

### **3 INFORMATIVE:**

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

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

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

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

Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

Plan Nos: 001 Rev A, 002, 003, Drawing Rev 4, Site Plan and Design and Access Statement.

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**294 UXBRIDGE ROAD, HATCH END**

**Item: 2/05**

**P/0555/09/RH/MAJ**

Ward **MARLBOROUGH**

**CHANGE OF USE OF PART OF GROUND FLOOR SHOP (CLASS A1 USE) TO RESTAURANT (CLASS A3 USE) WITH EXTRACT FLUE ON REAR ELEVATION**

**Applicant:** Mr A Surace

**Agent:** JPB ARCHITECTS

**Statutory Expiry Date:** | 19/05/2009

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## **RECOMMENDATION**

The proposed development would bring a vacant unit back into use, retain an element of retail use and a shopfront, continue to serve the needs of locals and visitors to the area, contribute positively to the character and vitality of the area and would be consistent with a previous appeal decision on the site. 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:

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

3D. 1 Supporting town centres, 3D.2 Town centre development, 3D.3 Maintaining and improving retail facilities, 4B.1 Design principles for a compact city, 4B.5 Creating an inclusive environment, 4B.6 Safety, security and fire prevention and protection  
Planning Policy Guidance 6 – Retail

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

S1 The Form of Development and Pattern of Land Use, SEM2 Hierarchy of Town Centres, EP25 Noise, D4 The Standard of Design and Layout, T6 The Transport Impact of Development Proposals, T13 Parking Standards, EM7 Redevelopment of Retail Premises, EM18 Change of Use of Shops - Designated Shopping Frontages of Local Centres

Supplementary Planning Guidance 'Access for All'

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## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Principle of Development (SEM2, EM7, EM18)
- 2) Design and Character of Area, (D4, SPG; 4B.1)
- 3) Neighbourhood Amenity (D4, EP25)
- 4) Parking and Highway Safety (T6, T13)
- 5) Accessibility (D4, SPG)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

## **INFORMATION**

### **a) Summary**

Statutory Return Type:

Site Area: 154m<sup>2</sup>

Car Parking: Standard: 1

Justified: 1  
 Provided: 1  
 Council Interest: None

**b) Site Description**

- The subject site comprises a two-storey end terrace situated at the junction of Uxbridge Road and Grimsdyke Road.
- The ground floor is vacant having formerly being used for the sale of bathroom furniture and products and the upper floor comprises 6 flats.
- The site is identified in the local plan as being located within the Hatch End local shopping area
- The site adjoins a garage to the north of the site and service road that accesses the garage and other properties located to the rear of Uxbridge Road.
- The remaining properties in the same terrace (No's 294 to 352) are a mix of retail and non-retail uses.

**c) Proposal Details**

- The application proposes A3 restaurant, teashop and gelateria on part of ground floor. The application site excludes the first 7m of the shop extending back from the Uxbridge Road frontage. The plans indicate that this part of the ground floor would be refurbished as tea shop and gelateria. The food sold in the shop would be cold and would need to be reheated/cooked off the premises.
- A restaurant/café area with seating for approximately 30 people is proposed at the rear half of the ground floor unit. Beyond that ancillary store rooms, toilets, wine store and kitchen.
- The kitchen would include a bakery and the food baked here would be used in the restaurant and sold in the shop.
- An external flue is proposed along the northern elevation below the first floor windows of the flats on the upper floors and first floor roof top balcony.

**d) Relevant History**

|                   |  |  |
|-------------------|--|--|
| LBH/42676         | Change of Use retail A1 to A3 Wine Bar                             | REFUSED<br>13-MAY-91<br>DISMISSED<br>31-OCT-91 |
| WEST/44322/92/FUL | Change of use retail A1 to A3                                      | REFUSED<br>16-03-92<br>DISMISSED<br>23-OCT-92  |
| EAST/163/94/FUL   | Change of use retail A1 to A3                                      | REFUSED<br>10-OCT-94                           |
| WEST/1227/02/FUL  | Change of use A1 to restaurant/gelateria                           | REFUSED<br>04-MAR-03<br>ALLOWED<br>06-NOV-03   |
| P/2030/04/CFU     | Change of use retail A1 to public house A3 as part of ground floor | REFUSED<br>09-DEC-04<br>DISMISSED<br>30-NOV-05 |

|              |   |                       |
|--------------|---|-----------------------|
| P/455/05/DFU | Conversion to provide 6 flats and first floor rear extension and roof extension with front and side dormers | APPROVED<br>20-APR-05 |
|--------------|---|-----------------------|

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Application is for A3 restaurant, teashop and gelateria on part of ground floor. The 2003 and current application excludes the first 7m of the unit extending back from the Uxbridge frontage. This was to be refurbished as an Italian delicatessen specialising in the sale of imported goods and food and Italian food produced on the premises. No change of use of this area is therefore involved;
- The change of use permitted in 2003 and sought now involves the area to the rear of this, which would be restaurant/café area with seating for approximately 30 persons. Beyond this would lie ancillary storage rooms, toilets, wine store and kitchen;
- The kitchen would include a bakery and would be used for food to be eaten in the restaurant as well as for sale in the shop. Food sold in the shop would be cold and would need to be reheated elsewhere;
- At the time of the appeal in 2003 the statutory policy was S15 this indicated that exceptions to retail use at ground floor would only be permitted if they avoid harmful concentration of non-retail uses and to ensure that non retail uses do not exceed 30% of the designated retail frontage. This policy was replaced by EM18 when the appeal was heard. This was taken into account by the inspector, when it was referred to as draft policy EM19;
- The application satisfies the five criteria in policy EM18: the proposed use is plainly appropriate to the centre; the length of frontage in retail use would remain unchanged; the premises can be serviced without causing harm to highway safety; a 2003 condition requires window display to be approved by the Local Planning Authority, this condition remains acceptable to the applicant; the proposal would not cause harm of in terms of non retail use because its frontage activity will be continue to be retail;

**g) Consultations:**

**Advertisement:** Site Notice Expiry: 14-APR-09

**Notifications:**

Sent: 110 Replies: 8 Expiry: 17-APR-09

6 objections, including the  
Hatch End Association  
2 in support

**Summary of Response:**

Object: to premises becoming entirely A3 use. Hatch End has excessive amount of restaurants especially within vicinity of this site. Use would result in night time disruption and cooking smells. Seating could accommodate 42 persons when the outdoor area is included and this would mean more activity and noise disturbance for local residents, and an increase in demand for parking.

The parking shown at the rear of the site does not appear to be within the site plan. The hours should be restricted to those approved at appeal - 09.30 to 22.00 hours, the out door seating area should be enclosed to prevent encroachment on the pavement and furniture should be taken in at night.

Support: the proposal will support the vitality of the town centre, very few new businesses are opening at the moment and new enterprises should be encouraged.

## **APPRAISAL**

It is considered that the main issues of the case relates to the principle of the proposed change of use to a non-retail use in the unit and the impact that this would have on the vitality and viability of the Hatch End local shopping centre. The application also raises secondary issues relating to the appearance of the proposed extract ducting to the rear of the property and potential noise and odour nuisance to adjoining residential properties.

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

Policy SEM2 of the Harrow Unitary Development Plan defines the town centre hierarchy of the borough, identifying the Hatch End centre as a local centre. Local centres are predominately retail in character providing day-to-day shopping facilities and a limited range of local services, and are of particular benefit to people without access to a car or those with restricted mobility. Local centres also provide opportunities for small, independent traders who cannot afford premises in prime locations and for specialist uses, which do not depend on passing trade or require prime sites.

Policy EM7 of the UDP seeks to promote the provision of new retail schemes in accordance with the shopping hierarchy outlined in policy SEM2. Where the redevelopment of outdated retail premises is proposed, the Council will ensure that adequate levels of shopping facilities within designated centres and local shopping parades are retained. Where an increase in non-retail floorspace/frontage is proposed policies EM16-EM20 will be applied as appropriate.

Policy EM18 of the UDP seeks to retain existing commercial units within the Hatch End centre in retail use in the interests of the vitality and viability of the town centre and to enable the retail centre to meet its identified core function.

Policy EM18 also defines the circumstances in which alternative, non-retail uses will be accepted within local centres. The policy states that non-retail uses will be accepted where the following criteria is met.

- a) the proposed use is appropriate to the centre and will improve the range of services available to local residents to help meet their days needs;
- b) the length of the frontage in non-retail use at street level in the centre (including any outstanding permissions) would not exceed 30% of the total designated frontage of that centre;

- c) the premises can be adequately serviced without causing harm to highway safety and convenience;
- d) a window display or other frontage appropriate to the shopping area is maintained; and
- e) a harmful concentration of non-retail uses is not created or added to

The application proposes to retain a retail function in the front part of the unit, in the form of a sales counter, shopping aisles and window displays the proposed A3 use class café/restaurant would occupy the rear half of the premises. Policy EM18 of the UDP also addresses the provision of ancillary retail activity at the front of a non-retail use unit, stating that in calculating the retail occupancy of the shopping frontages, the floor space behind the frontage should be maintained primarily for shopping use.

An appeal against non-determination for the same development at the site was allowed in 2003 (PINS ref. 03/1115324) and permission granted for a similar A3 use with an ancillary retail counter. In this decision, the Inspector placed significant weight on emerging policy EM19 of the Review UDP, but based his decision on his assessment that the requirement for no more than 30% non-retail activity in a centre was an arbitrary number that should be regarded “as a guideline, not as an absolute ceiling or limit”. The Inspector also found that the proposed alterations to the unit would retain the appearance of a shop and that the proposal would not result in a harmful concentration of non-retail uses and these factors were given significant weight in allowing the appeal.

The shop unit has a fairly regular width of frontage to Uxbridge Road and this frontage would continue to relate directly to the retail use that would be retained within the premises. A window display would be installed and the large, full-length window would allow a good view of the retail section of the proposed layout, which would retain a retail floorspace to the foremost part of the unit. It is therefore clear that the unit would retain the appearance of a retail use as viewed by shoppers and passers-by along the busy Uxbridge Road.

A retail survey for the Hatch End local centre undertaken in June 2008 found that 33.5% of the commercial units of the Hatch End designated shopping frontage were occupied by non-retail uses. Given the Inspectors comments with regard to this “threshold” and that the total non-retail units within the local centre only marginally exceeds 30%, it is considered that the principle of the development is consistent with the aims of policy EM18 in this particular instance.

It is further considered that the proposed part retail, part café uses proposed for the shop unit would complement each other well as customers are likely to taste the foods and products in the café and then purchase products from the shop to the front. In this manner, it is likely that the proposed use would attract as many, if not more customers than if the premises were retained entirely as retail floorspace. This point was also made by the Inspector for the 2003 appeal, who found that concerns that the proposal would not generate as much passing trade as a sole retail use had been overstated. The hours of the shop and café would also be consistent with normal retail uses in the area and, if successful, would attract visitors to the area during normal shopping hours, as well as in the evenings.

It is therefore considered that the proposed use would contribute positively to the character, vitality and viability of the Hatch End local shopping area.

For the above reasons, the principle of the proposed change of use to part retail, part café use of the premises is considered consistent with the aims of policies 3D.1, 3D.2 and 3D.3 of the London Plan and policies S1, SEM2, EM7 and EM18 of the Harrow Unitary Development Plan.

## **2) Design and Layout**

Policy D4 of the UDP states that the Council will expect a high standard of design and layout in all development proposals. The proposal would involve the installation of an extractor flue to the rear elevation of the building. This would be a relatively minor installation that would be positioned alongside the existing extractors and A/C units, just below the first floor windows of the rear elevation. This is considered the most appropriate siting for the extractor flue, given that it would serve the kitchen to the rear of the ground floor unit, would discharge well away from the upper floor windows and would not appear visually obtrusive within the locality.

It is considered that the proposed extractor flue would not be harmful to the character or appearance of the surrounding area and the proposal is considered consistent with policy D4 of the Harrow UDP in this regard.

## **3) Neighbourhood Amenity**

Policy D5 of the Harrow Unitary Development Plan 2004 requires new development to protect the amenity of occupiers of surrounding buildings. Policy EP25 of the Harrow Unitary Development Plan seeks to minimise noise disturbance, and states that development proposals that would lead to unacceptable level of noise, vibration or disturbance will be refused.

The residential properties nearest to the application site are the upper floor flats in the same building. Although a certain level of disruption is usually associated with café/restaurant uses, this particular use is intended predominantly as a daytime café and the hours of business would be restricted to no later than 2200 hours on any day. Seating within the proposed café area would also be restricted to no more than 30 customers and this would help to limit the impact on neighbouring properties in terms of general disruption and noise. The proposed use would be meet existing noise limits under Environmental Health legislation and a planning condition is also recommended in this regard.

It is also recommended that a condition be imposed to require full details of the extraction system and external ducting to be submitted to the LPA for further approval prior to commencement of the development. This would ensure that the noise and vibration arising from the equipment would be kept to acceptable levels and that the development would not unduly harm the amenities of the upper floor flats and other nearby residential properties.

On balance and subject to appropriate conditions, it is considered that the proposed change of use is acceptable in accordance with policies D4 and DP25 of the Harrow Unitary Development Plan.

**4) Parking and Highway Safety**

Schedule 5 of the UDP indicates a maximum requirement of 1 parking space for the proposed part A1/part A3 use. There is 1 parking space identified on the submitted drawings, located directly to the rear of the building. This would presumably be used as a staff parking bay. Given the location of the site within the Hatch End local shopping area, the relevant parking standard and Government guidance, which aims to reduce car parking levels associated with development, the proposal is considered acceptable on parking grounds.

There is a rear access door serving the ground floor unit and service vehicles would therefore park to the rear of the premises from Grimsdyke Road. This is considered a safe and satisfactory arrangement and would ensure that service vehicles would not be parking on the main Uxbridge Road.

With due regard to policy 4B.6 of the London Plan and policies T6 and T13 of the Harrow UDP and subject to appropriate planning conditions, it is considered that the proposal is acceptable on parking and highways safety grounds.

**5) Accessibility**

Policy C17 of the Harrow UDP seeks to ensure that all development relating to retail facilities, leisure, recreation and other services adequately address the needs of disabled people, parents with children, the elderly and other people with special needs.

The proposed ground floor plan submitted indicates that the main entrance would be fitted with a 1100mm wide, level access to allow access for wheelchairs and a condition is recommended in this regard. Accordingly, this aspect of the development is considered to comply with the requirements of policy C17 of HUDP.

**6) S17 Crime & Disorder Act**

Policy D4 of the Harrow Unitary Development Plan 2004 advises that crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan (consolidated with alterations since 2004) seeks to ensure that developments should address security issues and provide safe and secure environments.

The hours of operation for the proposed use would be restricted to 0930 to 2200 hours. The site is located within an established local shopping area that is served by CCTV and street lighting. It is considered that there are no specific crime prevention issues that warrant a refusal of the application.

**8) Consultation Responses**

- The application does not propose a full A3 use but would retain an A1 retail element as discussed.
- It is considered that the change of use would not result in an over-concentration of A3 uses in the area and the proposal would contribute to the vitality of the Hatch End local shopping area.

- With regards to night time disruption and cooking smells, the premises would be required to operate in accordance with relevant Environmental Health legislation and planning conditions are recommended relating to hours of operation, details of extraction system/flue and restriction of use, i.e. no hot food takeaway.
- Given the location within the local centre and Local/Central Government initiatives to reduce car use, it is considered that the proposal would not result in any significant increase in demand for parking. 1 car parking space would be provided to the rear of the building and the proposal is consistent with the relevant parking standard.
- The hours of operation would be restricted to 09.30 to 22.00 hours and any pavement seating would require a separate license from the Council.
- In this case, for the reasons outlined in this report and subject to appropriate controls, the matters raised in the representations are not considered to alter the overall conclusions in respect of the proposal.

## **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, subject to the following conditions:

## **CONDITIONS**

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

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

2 The development hereby permitted shall not commence until full details of the proposed extractor system and external ducting including system specifications, noise output and vibration levels have been submitted to, and approved in writing by, the local planning authority. The level of noise emitted from the extract shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142. The background noise level shall be expressed as the lowest LA90 during which plant is or may be in operation. Following installation but before the extract comes into operation additional measurements of noise from the unit must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed 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, in accordance with policies D4 and EP25 of the Harrow Unitary Development Plan.

3 As shown on the plans hereby approved, the main customer entrance shall be fitted with a 1100mm wide, level access and shall be retained permanently as such thereafter.

REASON: To ensure ease of access for wheelchair users, in accordance with policy D4 of the Harrow Unitary Development Plan and Supplementary Planning Guidance 'Access for All'.

4 The use hereby permitted shall not be open to customers outside the following times: 0930 to 2200 hours Monday to Sunday inclusive, without prior written consent of the Local Planning Authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with policies D4 and EP25 of the Harrow Unitary Development Plan.

5 The development hereby permitted until details of the proposed window display, including lighting thereof, have been submitted to, and approved in writing by, the Local Planning Authority. The display shall be installed in accordance with the approved details and retained in that form for the duration of the use hereby permitted.

REASON: To ensure that the appearance of a retail shopfront is retained and to protect the character and appearance of the locality, in accordance with policies SEM2, EM7 and EM18 of the Harrow Unitary Development Plan.

## **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 London Borough of Harrow seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative that is supported by the Home Office Crime Reduction & Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award.

For additional information, please contact the Borough Crime Prevention Design Advisor through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465.

### **3 INFORMATIVE**

Compliance with Food Safety (General Food Hygiene) Regulations advice. The premises may be required to register with the Council as a food business and to comply with the requirements of the Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety Act 1990.

### **4 INFORMATIVE**

All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority. The installation should further not emit tones or other specific sounds which might cause subjective disturbance. To this end, a frequency spectrum or noise rating curve for the (proposed) plant should be part of any report.

Plan Nos: 0903/TP.01, 0903/TP.02, 0903/TP.03 A, 0903/TP.04 A, site location map  
Covering letter submitted 24<sup>th</sup> March 2009

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**WEALD MIDDLE SCHOOL, ROBIN HOOD DRIVE, HARROW WEALD**

**Item: 2/06**

**P/1120/09/GL/C**

Ward HARROW WEALD

SINGLE STOREY EXTENSIONS TO MIDDLE SCHOOL BUILDING; 2.4M HIGH METAL MESH FENCING WITH 2.1M HIGH ENTRANCE GATE ON SOUTH ELEVATION; EXTERNAL ALTERATIONS

**Applicant:** Harrow Council  
**Agent:** David Kann Associates  
**Statutory Expiry Date:** | 13-JUL-09

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### **RECOMMENDATION**

Under Regulation 3 of The Town and Country Planning General Regulations 1992, GRANT permission for the development described in the application and submitted plans, subject to conditions.

### **Legal comments:**

Regulation 3 of the Town and Country Planning General Regulations 1992 (Statutory Instrument 1992/1492) provides (in relevant part) that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under section 77 of the Town and Country Planning Act 1990 for determination by him. The application is made by LB Harrow [Community Property Development] who intends to carry out the development and the land at Weald Middle School is owned by LB Harrow.

The grant of planning permission for this development falling within regulation 3 shall enure only for the benefit of the LB Harrow.

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:**

SEP5 – Structural Features  
EP13 – Culverting and Deculverting  
D4 – The Standard of Design and Layout  
C2 – Provision of Social and Community Facilities  
C7 – New Education Facilities  
C17 – Access to Leisure, Recreation, Community and Retail Facilities

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### **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Character and Appearance of the Area (D4)
- 2) Educational Facilities (C2, C7, C17, T6)
- 3) Watercourses (SEP5, EP13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

## **INFORMATION**

### **a) Summary**

Statutory Return Type: Minor Development, all other  
Council Interest: Council owned site

### **b) Site Description**

- School premises with single-storey class rooms and administrative offices arranged as a series of projecting wings on the east side of a central corridor block
- Taller (two-storey equivalent) concert hall on Robin Hood Drive frontage
- Playground and main school entrance is located behind the concert hall
- Northern part of site is occupied by Weald First School
- Wealdstone Brook, in a culvert, runs through school site

### **c) Proposal Details**

- New entrance lobby and office area, infilling area between music room and existing administration offices (junction of Robin Hood Drive and Weald Rise). New construction would be 10m wide and 11m deep. The 4.3m wide central section would have a pitched roof with 6m ridge height, and projecting curved canopy 3m above ground level for new main entrance. Remainder of new covered area would have a flat roof with roof lights, 4m high on west side of new main entrance and 3.2m high on east side of new main entrance
- New extension to east side of administration block, 5.2m wide and 7.2m deep with 3.15m high flat roof for new caretaker's store and office with new access steps to classroom area in front of new office
- New toilet block to rear of southernmost classroom block, 12.9m wide and projecting 4m from rear wall of block with 3.15m high flat roof
- External alterations, comprising replacement windows and doors on south elevation, roof lights and sun pipes on flat roof, removal of high level windows and replacement of lower level windows on north elevation
- New 2.4m high weldmesh fence to front entrance area with security cameras and entry control system

#### **Revisions to Previous Application:**

Following the previous grant of planning permission (P/3525/07/CFU) the following amendments have been made:

- Size of new extension to east side of administration block increased from 5m wide and 7m deep to 5.2m wide and 7.2m deep. Access steps serving classroom block added
- Size of new toilet block to rear of southernmost classroom block increased from 12m wide and projecting 3.5m from rear wall of block to 12.9m wide and projecting 4m from rear wall of block. Increase in roof height from 3m to 3.15m.



## **APPRAISAL**

This application represents a minor change to the previous scheme that cannot be dealt with as a minor amendment as it would increase the amount of development on the site.

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

The proposed external alterations and new entrance lobby would be an improvement on the existing arrangements. The proposed new entrance would provide a focal point in the street façade and would readily identify the main entrance. It is considered that the proposal would enhance the character and appearance of the area.

The nearest residential premises are 30m from the school buildings and the proposals would not be detrimental to the residential amenities of the occupiers of those dwellings.

Details of the external materials to be used in the proposed extensions have been previously approved, and therefore a condition requiring these materials to be used has been attached to this grant of planning permission.

### **2) Educational Facilities**

The proposal would have an additional 186m<sup>2</sup> of floorspace. Most of this additional floorspace would be within the existing footprint of the school. The proposal would improve the facilities provided at Weald Middle School for pupils, staff and visitors. There would be no additional teaching facilities created, and therefore there would be no significant change to the existing transport impacts of the school. The new entrance and facilities would comply with the requirements of the Disability Discrimination Act to allow the school to be accessible to all.

### **3) Watercourses**

The proposed new entrance would be constructed over a tributary of the Wealdstone Brook, which is a culverted watercourse. The Council has a legal obligation to protect this watercourse. Although policy EP13 seeks the deculverting of existing piped watercourses where possible, the nature of the site renders such a proposition impractical. The supporting text to policy EP13 notes that development proposals close to culverted watercourses should facilitate their continued effective maintenance and replacement.

A condition requiring a survey and protection measures for the watercourse attached to the previous grant of planning permission has since been discharged to the satisfaction of the Council's drainage engineers.

It is considered that the current condition of the watercourse is sufficiently robust. However, the applicant will be required to proceed with the building operations in accordance with the previously-approved details and therefore a condition to this effect has been added to this grant of planning permission.

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

The new school entrance would include security measures, including CCTV, entrance controls and natural observation from a staffed area. The development would present fewer opportunities for crime and disorder in the vicinity of the school entrance.

**5) Consultation Responses**

- 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, this application is recommended for grant, subject to the following condition(s):

**CONDITIONS**

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

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

2 The materials to be used in the construction of the development shall be as specified in the approved Design and Access Statement and drawings, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the appearance of the building and the locality, as required by Harrow UDP policy D4.

3 The development hereby permitted shall be carried out in accordance with the details approved under planning reference P/0486/09 dated 15-Jun-09 for the protection of the Wealdstone Brook.

REASON: To protect the Wealdstone Brook watercourse, as required by policy SEP5 of the Harrow UDP and to comply with the Land Drainage Act 1991 Byelaw 10.

**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:

SEP5, EP13, D4, C2, C7, C17

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:

There may be public sewers crossing / adjacent to the site, so no building 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.

Item 2/06 : P/1120/09/GL/C continued/...

Plan HC/WMS/100; /101; /102; /110; /112; /113; /200; /201; /202; /210; 212;  
Nos: /213; Design and Access Statement

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**1 BELLFIELD AVENUE, HARROW**

**Item: 2/07**

**P/0163/09/AT/C**

Ward HARROW WEALD

CONSERVATION AREA CONSENT: DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF NEW TWO STOREY DWELLING.

**Applicant:** Mr Adrian Thomas O'Mally

**Agent:** JPB Architects

**Statutory Expiry Date:** | 24-APR-09

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**1 BELLFIELD AVENUE, HARROW**

**Item: 2/08**

**P/0444/09/AT/C**

Ward HARROW WEALD

DETACHED TWO STOREY DWELLINGHOUSE WITH BASEMENT AND HABITABLE ROOFSPACE; DEMOLITION OF EXISTING BUNGALOW

**Applicant:** Mr Adrian Thomas O'Mally

**Agent:** JPB Architects

**Statutory Expiry Date:** | 15-JUN-09

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**P/0163/09/AT/C**

**RECOMMENDATION**

GRANT consent for the demolition described in the application and submitted plans:

**REASON**

The decision to GRANT Conservation Area Consent 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 2004:**

D4 The Standard of Design and Layout

D10 Trees and New Development

D14 Conservation Areas

D15 Extensions and Alterations in Conservation Areas

Supplementary Planning Guidance, Designing New Development (2003)

**P/0444/09/AT/C**

**RECOMMENDATION**

GRANT permission for the development described in the application and submitted plans.

**REASON**

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:**

4B.1: Design principles for a compact city

**Harrow Unitary Development Plan:**

- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D10 Trees and New Development
- D14 Conservation Areas
- D15 Extensions and Alterations in Conservation Areas
- EP30 Tree Preservation Orders and New Planting
- T13 Parking Standards
- C16 Access to Buildings and Public Spaces

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

Supplementary Planning Guidance, Designing New Development (2003)

Supplementary Planning Document 'Accessible Homes' (2006)

**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Character and Appearance of the Area and Impact on Conservation Area (4B.1, D4, D5, D14, D15, SPG)
- 2) Residential Amenity (D4, D5, SPG)
- 3) Parking Standards (T13)
- 4) Trees (D10, EP 30)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

**INFORMATION**

These applications are reported to the Committee at the request of a Nominated Member.

**a) Summary**

Statutory Return Type: Minor Dwellings  
Conservation Area: West Drive Conservation Area  
Council Interest: None

**b) Site Description**

- Single storey detached bungalow located on the western side of Bellfield Avenue, on the corner with Uxbridge Road;
- The irregular shaped site has a 30 metre frontage to Bellfield Avenue, and a 58 metre secondary frontage to Uxbridge Road;
- The site is in the West Drive Conservation Area;
- There are a number of mature street trees on the Bellfield Avenue frontage.
- The adjacent house at no.3 Bellfield Avenue set away from the boundary with the application site by 2 metres.

**c) Proposal Details**

- P/0163/09 - Conservation Area Consent:
- Demolition of the bungalow.

P/0444/09/AT/C – Full Planning Application

- Demolish the existing single storey bungalow and replace it with a two storey, five bedroom single family dwelling house, with habitable roof space including two rear dormers and basement.
- The existing ground floor footprint equates to approximately 122.72sqm. The dwelling is located approximately 2.3m from the boundary with neighbouring property no.3 and is set back approximately 10m from the front property boundary.
- The proposed ground floor footprint equates to 193sqm. The dwelling is proposed to be sited approximately 2.3m from the boundary with neighbouring property no.3 and would be set back approximately 8.6 metres from the front property boundary as measured from the front porch.
- The proposed dwellinghouse would have a front wing sited nearest to the south elevation facing Uxbridge Road, a bay window with a monopitch roof above it sited to the north side on the front elevation and a porch between these features.
- The proposed dwellinghouse measures 8.6m high to the ridge, 5.2m high to the eaves and measures 15m wide. The two storey element of the proposed dwellinghouse will have a depth as measured from the front wing to the rear wall of 13.6m. Excluding the front wing, the depth would be 12m with additional 3.5m deep conservatory on the north side of the rear elevation.
- The proposal includes a crown roof which would house a loft and would feature two rear dormer windows and seven roof lights. The roof lights would be 0.7m high and 1m wide. Three roof lights would be sited on the northern side roofslope, another three on the southern side roofslope, and one between the proposed dormers on the rear roofslope.
- The rear dormers would be 2m high, 1.5m wide and would project from the rear roofslope to a maximum of 2.05m. They would be flat roofed, with roofs that are 1.8m wide. The rear dormers would be set back by 1.0m from the eaves and 0.75m from the ridge. They will both be sited 2.1m away from the edges of the roof, as measured from the edges of the dormer roofs. They would be sited 3.05m apart from each other.
- The proposal includes a rear conservatory which would project from the principal rear wall approximately 3.5m. This would equate to a rear projection beyond the rear wall of neighbouring property no.3 of 2m. The rear conservatory would have a monopitch roof and would measure 2.9m high to the eaves, 3.3m high to the ridge.
- The conservatory would have a solid brick wall with a maximum height of 3.3m on the north elevation facing no.3 Bellfield Avenue.
- Excluding the rear conservatory the first floor, loft and basement components of the proposed dwelling would sit directly atop and below the ground floor footprint.
- No change is proposed to the current vehicular access to the site.

**Revisions to Previous Application:**

- P/3793/08 - previous application to provide a detached two storey dwellinghouse with basement and habitable roof space was withdrawn. The current full planning application (P/0444/09) differs from this previous application by proposing smaller rear dormers, a rear conservatory with reduced depth and width, and a front wing nearest to No.3 Bellfield Avenue that is single storey rather than two storey.

**d) Relevant History**

|             |   |                        |
|-------------|---|------------------------|
| HAR/20337/A | Two Bungalows   | GRANT<br>01-OCT-63     |
| LBH/12325/1 | Erection of dining room extension to side of bungalow                                   | GRANT<br>03-NOV-77     |
| P/1560/07   | New vehicular crossover and extended driveway   | WITHDRAWN<br>03-JUL-07 |
| P/3223/07   | New vehicular crossover and extended driveway   | GRANT<br>23-NOV-07     |
| P/3482/08   | Demolition of dwellinghouse   | WITHDRAWN<br>21-JAN-09 |
| P/3793/08   | Redevelopment: Detached two storey dwellinghouse with basement and habitable roof space | WITHDRAWN<br>31-MAR-09 |

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

The Design and Access Statement may be summarised as follows:

- The following policies are considered to be relevant to the applications: EP20 – Use of Previously Developed Land and EP29 – Tree Masses and Spines.
- Aside from the adjoining site, Bellfield Avenue predominately consists of detached two storey residential properties.
- The proposed property will respect the existing building line to Bellfield Avenue, and will also retain the distance of 2.5m to the side boundary with adjacent property.
- The proposed property will retain the existing established pedestrian and traffic routes.
- The amenity and privacy of the occupiers of existing and proposed dwellings is safeguarded by the scheme. The 45 degree rule will not be broken by the scheme. The scale of the proposal is in character with the Conservation Area.
- All existing trees will be retained and protected during the course of construction.
- The proposal will not generate significant amounts of traffic, given that it is a single family dwellinghouse.

**g) Consultations**

Hatch End Association – No response.

Design and Conservation – No objections to the proposal.

CAAC - This would be infilling. One oak tree is still growing. We are concerned about the proximity of trees to the property, which should not be affected by the proposal. The proposal fits the site but the bungalow next door looks small and chalet like in comparison. Not enough information concerning landscaping. This information is needed.

It would be overbearing in relation to the adjacent bungalow, and there would be overshadowing. If they want a two storey building they do not need such a prominent roof. No need for it to be so big. The roof would in effect be a third floor disguised as a roof. We do not like the roof lights. The proposed dormers are top heavy, and would be too large, too bulky, too close to the ridge and inappropriate. They should be smaller than levels below to create a hierarchy and subservient to the building. This would be an unattractive building, which pays no respect to its immediate neighbour. It would be overbearing and unneighbourly. The principle is ok but the drawings are terrible. (Please note that the proposal has been amended to address these concerns).

Drainage Engineer:

No objection subject to the attachment of three stated drainage conditions. These conditions are attached.

Tree Officer: So long as the footprint of the revised scheme has not changed there are no grounds for refusal. However the following condition applies:

A Tree Protection Plan (in line with BS5837)

**Advertisement:** Character of Conservation Area Expiry:25-MAY-09

**Notifications:**

Sent: 5

Replies: 0

Expiry: 18-MAY-09

Summary of Responses:

- None

## **APPRAISAL**

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

When considering proposals for the demolition of buildings within conservation areas, policy D14 of the UDP is particularly relevant. It states that redevelopment will only be permitted when the new building contributes to the area by preserving or enhancing its character or appearance. The existing house situated on the subject site is of no particular architectural merit to the character and appearance of the surrounding area or the conservation area. It is considered that the proposed demolition works would not adversely impact upon the character and appearance of the conservation area. Therefore it is recommended that the consent for the demolition works be approved.

The part of Bellfield Avenue and Uxbridge Road nearest to the application site is mostly characterised by two storey dwellinghouses (excluding no.3 which is a bungalow), including No.5 and No.7 Bellfield Avenue. The proposed dwellinghouse would be of a comparable height with these dwellinghouses in the area. It is therefore considered that the principle of replacing the existing bungalow with the proposed dwellinghouse is acceptable in principle.

**2) Character and Appearance of the Area and Impact on Conservation Area and Area**

The site is located in the West Drive conservation area and as such the application has been referred to the Conservation and Design Officer. Following amendments, the responses received are that the proposal would preserve the character or appearance of the conservation area and so meets Harrow UDP policy D14.

The conservation area is also characterised by soft greenery which adds to its suburban character. Details of landscaping have been submitted as part of the amendments to this application. Following consultation, the Landscape Architect has advised that in order to safeguard the appearance and character of the area and the trees with Tree Preservation Orders (TPOs), that relevant conditions be attached. For this reason, appropriate conditions have been attached to this recommendation, with the additional reason of ensuring the protection of the trees with TPOs that may be affected by this proposal.

This application was referred to the Conservation Area Advisory Committee before the amended plans were submitted. Following the amendments, it is considered that the concerns expressed by the Conservation Area Advisory Committee have been addressed.

**3) Residential Amenity**

Following amendments to the scheme, it is considered that the proposed replacement dwelling would not have a material impact on the amenity of the neighbouring occupier no.3 Bellfield Avenue. The siting of the proposed replacement dwelling would not contravene the 45 degree code at either the Horizontal or Vertical planes. There are also no flank windows proposed at the first floor level facing neighbouring property no.3. The view of the neighbouring property from the first floor and dormer windows on the rear elevation would be at an oblique angle and as such this is considered reasonable.

The rear conservatory is to be finished with a solid flank wall facing no.3, thus preventing any perceived overlooking or loss of privacy.

**4) Parking Standards**

The proposed area provided for the parking of vehicles on site is considered satisfactory. It is considered that the increased floor area of the house would not result in any significant additional traffic movements above its existing use as a single family dwelling.

**5) Trees**

The revisions have not altered the footprint of the proposed house, although the proposed kerb is within close proximity to a tree with a TPO, at the front of the property. It is considered the conditions advised by the Landscape Architect would allow this particular issue to be resolved when details of the hard and soft landscaping are submitted to the local planning authority for consideration and approval.

The condition advised by the Tree Preservation Officer have been attached to this recommendation in order to protect the trees of special amenity and landscape value that may be affected by this proposal.

**6) S17 Crime & Disorder Act**

There are no material planning concerns regarding this application and the above Act.

**CONCLUSION**

The proposal described by these two applications are considered to be acceptable and approval is recommended, subject to the following conditions:

**CONDITIONS**

**P/0163/09/AT/C (Conservation Area Consent)**

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

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made in relation to P/0444/09, and submitted to and approved in writing by the Local Planning Authority, and planning permission has been granted for the development for which the contract provides.

REASON: To protect the appearance of the area

3 The demolition hereby permitted shall not commence before a contract for the carrying out of the works of redevelopment of the site has been made, and submitted to and approved in writing by the Local Planning Authority, and all the approvals required by the conditions attached to planning application reference P/0444/09 have been obtained.

REASON: To safeguard the appearance of the locality.

**INFORMATIVES**

**1 INFORMATIVE:**

The decision to grant Conservation Area Consent 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, D10, D14, D15

**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.

**P/0444/09/AT/C (Full Planning Application)**

**CONDITIONS**

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

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

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

a: the building

b: the ground surfacing

c: the boundary treatment

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.

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

a: 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 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 the trees of special landscape and amenity value and to enhance the appearance of the development.

6. The rooflights in the northern side roofslope 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.

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 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, 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.

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

The boundary treatment shall be completed:

a: before the building is 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 and the trees of special landscape and amenity value.

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

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

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, to protect the trees of special landscape and amenity value, and to prevent any increased risk of flooding.

11 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.

12 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.

13 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.

14 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:**

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: 4B.1

Harrow Unitary Development Plan: D4, D5, D10, D14, D15, EP30, T13, C16

### **2 INFORMATIVE:**

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

### **3 INFORMATIVE:**

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

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

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

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

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

4 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>

**P/0163/09/AT/C  
(Conservation Area  
Consent)**

01A, 06A, 07A, Design and Access Statement

Plan Nos:

**P/0444/09/AT/C (Full  
Planning Application)**

01A, 02D, 03C, 04C, 05C, 06A, 07A, Design and Access Statement

Plan Nos:

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**90 KINGSFIELD AVENUE, HARROW**

**Item: 2/09**

**P/0877/09/LM/C**

Ward HEADSTONE SOUTH

RETENTION OF SINGLE STOREY SIDE TO REAR EXTENSION WITH PROPOSED MODIFICATION TO ROOF HEIGHT

**Applicant:** Mr Kamal Rafique

**Agent:** Multicreation

**Statutory Expiry Date:** | 22-JUN-09

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### **RECOMMENDATION**

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 - The Standard of Design and Layout

D5 - New Residential Development – Amenity Space and Privacy

SPG - Extensions: A Householders Guide (2008).

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### **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

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

### **INFORMATION**

This application is reported to the Committee due to recommendation against a signed petition.

#### **a) Summary**

Statutory Return Type: Householder

Council Interest: None

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

- The site is located on the northern side of Kingsfield Avenue and is occupied by a two storey semi detached dwellinghouse with an existing side dormer.
- Planning permission under application number P/3198/08 for a single storey side to rear extension was granted 26<sup>th</sup> January 2009.
- Attached semi to the west, no. 88, is unextended.
- The eastern flank boundary of the subject site adjoins the rear boundaries of 88–96 Pinner View.

#### **c)**

- Side extension is set behind the main front wall of the dwelling by 3.4m.
- It has a width of 1.0m to adjoin the eastern boundary.
- Side extension extends 7.0m to sit flush with the main rear wall of the dwellinghouse.

**Proposal Details**

- Rear extension extends 3.8m from the main rear wall of the dwellinghouse for a width of 5.6m. The rear extension is then set back by 1.5m and extends 3.26m to the boundary with no. 88.
- Side extension has a mono-pitch roof at the front. The remainder of the extension has a flat roof.
- A small section of roof area (1.0m wide by 3.0m deep) adjoining no. 88 would be set down approximately 0.1m from the main flat roof. The remainder of the roof will retain the existing 3.0m height of the extension.
- Rear elevation has a glazed sliding door with two glazed side panels and one door and window on the recessed rear elevation.
- Front elevation of the side extension has a small glazed window.

**Revisions to Current Application:**

- Updated plans to reflect window in front elevation of side extension.
- Reduction in height of portion of roof adjoining no. 88 from 3.0m to 2.91m.

**Revisions to Previous Application:**

- Increase in height of extension from 2.65m to 3.0m
- Removal of window to replace existing garage door in front elevation.

**d) Relevant History**

|                 |  |                      |
|-----------------|--|----------------------|
| WEST/357/02/CLP | CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: PROPOSED SIDE DORMER VELUX WINDOW IN FRONT & REAR ROOF | GRANTED<br>24-MAY-02 |
| P/3198/08       | SINGLE STOREY SIDE TO REAR EXTENSION   | GRANTED<br>26-JAN-09 |

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- None

**g) Consultations**

- None

**Notifications:**

Sent : 9

Replies:  
One Petition against  
(11 signatories)

Expiry: 27-MAY-09

**Summary of Responses:**

- Building is taller than shown in plans resulting in loss of light to rear reception room of no. 88
- The surface finish of the building (brick) is not as described in the application (white render)

- Front face of side extension has a window not shown in plans and front of the roof is shown as sloping tiled surface rather than vertical felted one that has been built.

## **APPRAISAL**

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

Policy D4 of the HUDP states that all new development should have regard to the scale and character of the surrounding environment and buildings should respect the form, massing, composition, proportion and materials of surrounding townscape. The front elevation of the side extension complements the existing front elevation of the dwellinghouse. The side extension is visible from the streetscene. It has a mono-pitched roof to reflect the roof form on the front elevation and a front elevation window which matches the horizontal spacing of the existing windows. This is consistent with the existing dwelling and surrounding development in the streetscene.

The rear extension is proportionate to the existing dwelling. The materials, being brick, matches the existing materials of the dwellinghouse on the ground floor. It is therefore considered that the proposal does not have any negative impact on the character and appearance of the area and is consistent with Policy D4 of the HUDP and the objectives of the SPG

Paragraph C.2 of the SPG outlines that a single storey rear extension, adjacent to a boundary, of up to 3 metres beyond the rear main wall of adjacent semi detached dwelling would normally be acceptable. A greater depth may be acceptable in accordance with the "two for one" rule.

The proposal complies with the SPG with a depth of 3m from the rear main wall of the adjoining property at 88 Kingsfield Avenue. The proposal then measures approximately 4.5m in depth from the main rear wall of the dwellinghouse at no. 88 but it is set 3.26m away from the shared boundary with 88 Kingsfield Avenue.

The rear extension extends to the boundary adjoining the rear gardens of 92 and 94 Pinner View.

Paragraph C.7 of the SPG outlines that single storey rear extensions should not exceed 3m in height for a flat roof and for a pitched roof 3m at its midpoint. There is a slight change in ground level between the subject property and no. 88 of approximately 0.1m. The applicant proposes to lower a section/strip (1.0m wide and 3.0m deep) adjoining no. 88 to reflect this site circumstance. As such, when measured from the site boundary of no. 88, the lowered part of the roof would be to a maximum height of 3.0m along the boundary with no. 88. This would comply with paragraph C.7 of the SPG and as such would not have an adverse impact upon the residential amenities of no. 88.

The remainder of the side to rear extension complies with the maximum height of 3m, with mono-pitched roof to front elevation and the remainder of the side to rear extension with a 3.0m flat roof.

The side to rear extension measures 10.7m in depth along the eastern boundary adjacent to the rear gardens of 92 and 94 Pinner View. The extension is not considered to be obtrusive with an overall height of 3.0m, consistent with the SPG requirements, to the flat roof and therefore it does not adversely impact upon the amenity of these properties.

The single storey side and rear extensions contain no windows on the flank walls and therefore do not adversely impact upon the privacy of the adjoining property at 88 Kingsfield and the rear gardens of 92 and 94 Pinner View (45m deep rear gardens). The windows on the rear elevation are considered acceptable as they do not have an unreasonable impact upon the privacy of the adjoining properties. It is therefore considered that the proposal would be consistent with Policy D5 of the HUDP and the objectives of the SPG.

**2) 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.

**3) Consultation and Notification Responses**

The matters raised within the petition, being loss of light and incorrect plans submitted in relation to what has been built, have been addressed both by amended plans and within the appraisal (section headed Character and Appearance of the Area and Residential Amenity) of the above planning report.

**CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant, subject to the following condition(s):

**CONDITIONS**

1 The 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), other than those shown on approved plans 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 roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

**INFORMATIVES**

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

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

Harrow Unitary Development Plan:

D4, D5 and 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](mailto:communities@twoten.com)

Plan Nos: 2073-01/KG, 2073-02/KG Rev A and 2073-03/KG Rev C

**HARROW ARTS CENTRE, UXBRIDGE P/0918/09/GL/C  
ROAD, HATCH END**

Ward HATCH END

DEMOLITION OF EXISTING STORAGE SHED AND ERECTION OF NEW BRICK CLAD MODULAR BUILDING TO PROVIDE MULTIPURPOSE COMMUNITY LEARNING AND EVENTS FACILITY

**Applicant:** Harrow Council  
**Agent:** LOM Architecture & Design  
**Statutory Expiry Date:** | 09-JUL-09

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### **RECOMMENDATION**

Under Regulation 3 of The Town and Country Planning General Regulations 1992, GRANT permission for the development described in the application and submitted plans, subject to conditions.

### **Legal comments:**

Regulation 3 of the Town and Country Planning General Regulations 1992 (Statutory Instrument 1992/1492) provides (in relevant part) that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under section 77 of the Town and Country Planning Act 1990 for determination by him. The application is made by LB Harrow [Libraries and Culture] who intends to carry out the development and the land at Harrow Arts Centre is owned by LB Harrow.

The GRANT of planning permission for this development falling within regulation 3 shall enure only for the benefit of the LB Harrow.

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 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D11 – Statutorily Listed Buildings  
T6 – The Transport Impacts of Development Proposals  
R11 – Protecting Arts, Culture, Entertainment and Leisure Facilities  
C17 – Access to Leisure, Recreation, Community and Retail Facilities  
Supplementary Planning Document: Access for All (2006)

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### **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Character and Appearance of the Area; Listed Buildings (D4, D11, SPD)
- 2) Cultural Facilities (R11, C17, SPD)
- 3) Residential Amenity; Traffic and Highway Safety (D5, T6)
- 4) S17 Crime & Disorder Act (D4)

## 5) Consultation Responses

### INFORMATION

This application was deferred from the Planning Committee of 24 June 2009 to seek revisions to the design.

Revised plans have been received indicating that the proposed building would have a hipped rather than a gabled roof and larger windows.

#### a) Summary

Statutory Return Type: Minor Development, all other  
Listed Building: Curtilage Listed, Grade II  
Council Interest: Council owned site

#### b) Site Description

- The application site is a storage shed (275 sqm in area) within the Harrow Arts Centre Complex. It is located to the south east side of the Arts Centre car park.
- The shed is constructed with a brick base, brick piers on the front elevation with black timber infill, with black corrugated metal at the side and rear and a hipped corrugated metal roof
- The site is adjacent to the Rayner's Building, a brick-built classroom style building with a tile roof
- The storage shed and the Rayner's Building face on to an Asphalt car park
- The rear of the shed and Rayner's Building face on to a service road and assorted service buildings
- The existing shed is built on land that falls away from the Rayner's Building
- The main building on the site, the B. G. Elliot Hall, is a Grade II Listed Building, and the application site is Curtilage Listed

#### c) Proposal Details

- Demolition of existing storage shed
- Construction of single storey modular building of 240sqm area on footprint of existing building:
- The proposed modular building would be 24m wide, 10m deep and would have a pitched roof with a maximum height of 6.3m
- The proposal would provide an access ramp from the car park area in front of the Rayner's Building, a deck area between the new modular building and the Rayner's Building leading to a level access to the rear of the new building (which would include ramped and stepped access).
- The interior of the modular building would generally be divided into three spaces through the use of demountable partitions, allowing for use as a larger space when required.

**d) Relevant History**

None specific to this part of the Harrow Arts Complex

|              |  |  |
|--------------|--|--|
| P/0922/09/LC | Listed Building Consent: Demolition of existing storage shed and erection of new brick clad modular building to provide multipurpose community learning and events facility. | Parallel Application Expires 22-JUL-09 |
|--------------|--|--|

**e) Pre-Application Discussion**

Planning Advice Meeting 19-May-09:

- Proposal is acceptable in principle, subject to suitable external cladding materials to respect the setting of the Listed Building.

**f) Applicant Statement**

- Existing structure is not suitable for refurbishment
- Replacement structure would have similar scale and proportions to existing structure that would provide a flexible space for community events and adult learning.
- Replacement structure would be fully accessible, and a new accessible toilet would be provided in the adjacent Rayners Building.

**g) Consultations:**

**Hatch End Association:** No response received

**Advertisement:** Setting of a Listed Building      Expiry: 11-JUN-09

**Notifications:**

Sent: 10                      Replies: 1                      Expiry: 08-JUN-09

**Summary of Response:**

**Hatch End Association:** No objection in principle. Concerns raised over lighting levels in interior, provision of water and storage facilities.

**APPRAISAL**

**1) Character and Appearance of the Area; Listed Buildings**

The principle of the demolition and replacement of the existing storage shed is considered acceptable, and no objection is raised to the size, scale and use of the modular building that would be put in its place.

The roof height would match that of the adjacent Rayner's Building and is considered appropriate in this site.

The building is in a sensitive location within the curtilage of the Grade II Listed Elliot Building within the Harrow Arts Centre complex.

Policy D11 of the UDP states that the Council will ensure the protection of the Borough's stock of Listed Buildings by, inter alia, only permitting developments within the curtilage of Listed Buildings, or adjoining buildings, that do not detrimentally affect their setting.

The Council has a duty, through policy D4 of the UDP, to ensure that good design is paramount in all development proposals. Where Listed Buildings are concerned the emphasis on requiring good design is even stronger.

The external cladding of the proposed modular building needs to be of red clay brick slips with Flemish Bond mortar pointing to match the other curtilage listed buildings and the main listed building. Additionally, the roof tiles would need to match those of the adjacent Rayner's Building.

The applicants have supplied samples of Ibstock Arcadian Antique brick slips and Marley Eternit Hawkins roof tiles in colour Staffordshire Mix. These samples are considered acceptable. However, no samples of the mortar jointing, windows or doors have been supplied.

Therefore, a condition requiring the two supplied materials to be used has been added to this condition, together with a further condition requiring samples of the mortar, windows and doors to be submitted to, and approved in writing by, the local planning authority, has been added to this permission.

## **2) Cultural Facilities**

The proposal would add to the useable space in the Harrow Arts Complex, and would provide additional cultural and community facilities and would be in accordance with policy R11 of the UDP.

Additionally, the new building would be fully accessible, and would therefore comply with policy C17 on access to public buildings.

## **3) Residential Amenity; Traffic and Highway Safety**

The proposed modular building would be located in the interior of a substantial site that is currently in use for cultural and leisure purposes. The nearest residential facades are approximately 85m away on the other side of Uxbridge Road.

It is considered that, in light of this separation, and the nature of the site, the proposal would not have undue impact on the residential amenities.

Although the proposal could generate some additional traffic movements at the roundabout and the junction of Uxbridge Road, Milne Field and the access to the Arts Centre and the 'Morrisons' superstore, it is considered that these would not be substantial enough as to have any detrimental effects on highway safety.

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

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

## **5) Consultation Responses**

Lighting levels in interior – the use of the building would be for a variety of community uses and not just for art classes. The proposed arrangements of the windows are considered suitable for this building in this location.

Provision of water and storage facilities – the internal arrangement of the building is not a material planning consideration in this instance.

## **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, this application is recommended for grant, subject to the following condition(s):

## **CONDITIONS**

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

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

2 The walls of the proposed development shall be clad with Ibstock Arcadian Antique brick slips laid in a Flemish bond, and the roof finished with Hawkins roof tiles in colour Staffordshire Mix.

REASON: To protect the special architectural or historic interest of the listed building.

3 The development hereby permitted shall not commence until detailed drawings, specifications or samples of materials, as appropriate, in respect of the following external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

- a) window materials
- b) external mortar
- c) external doors

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

REASON: To protect the special architectural or historic interest of the listed building.

## **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:**

**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.

Item 2/10 : P/0918/09/GL/C continued/...

Plan Nos: 651A-00-ST-01 Rev A; /00-EL-01; /00-ST-02; /20-ST-01; /20-GD-02;  
/30-EL-01 Rev D; Design and Access Statement

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Item: 2/11

**HARROW ARTS CENTRE, UXBRIDGE P/0922/09/LC3/CONS  
ROAD, HATCH END**

Ward HATCH END

LISTED BUILDING CONSENT: DEMOLITION OF EXISTING STORAGE SHED AND ERECTION OF NEW BRICK CLAD MODULAR BUILDING TO PROVIDE MULTIPURPOSE COMMUNITY LEARNING AND EVENTS FACILITY WITHIN CURTILAGE OF ELLIOTT HALL

**Applicant:** Harrow Council

**Agent:** LOM Architecture & Design

**Statutory Expiry Date:** | 22-JUL-09

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## **RECOMMENDATION**

GRANT consent for the development described in the application and submitted plans. In the event that no further representations are received to the site notice by 29<sup>th</sup> June, delegate to the Divisional Director of Planning, approval of Listed Building consent for the works subject to conditions:

### **Legal comments:**

Regulation 3 of the Town and Country Planning General Regulations 1992 (Statutory Instrument 1992/1492) provides (in relevant part) that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under section 77 of the Town and Country Planning Act 1990 for determination by him. The application is made by LB Harrow [Libraries and Culture] who intends to carry out the development and the land at Harrow Arts Centre is owned by LB Harrow.

The GRANT of planning permission for this development falling within Regulation 3 shall enure only for the benefit of the LB Harrow.

## **REASON**

The decision to grant Listed Building or Conservation Area Consent 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 – The Standard of Design and Layout

D11 – Statutorily Listed Buildings

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Setting of Listed Building, Character and Appearance (D4, D11)
- 2) S17 Crime & Disorder Act (D4)
- 3) Consultation Responses

## **INFORMATION**

This application was deferred from the Planning Committee of 24 June 2009 to seek revisions to the design of the replacement building.

Revised plans have been received indicating that the proposed building would have a hipped rather than a gabled roof and larger windows.

### **a) Summary**

Statutory Return Type: Minor Development, all other  
Listed Building Curtilage listed, grade II  
Council Interest: None

### **b) Site Description**

- The application site is a storage shed within the Harrow Arts Centre Complex. It is located to the south east side of the Arts Centre car park.
- The shed is constructed with a brick base, brick piers on the front elevation with black timber infill, with black corrugated metal at the side and rear and a hipped corrugated metal roof
- The site is adjacent to the Rayner's Building, a brick-built classroom style building with a tile roof
- The storage shed and the Rayner's Building face on to an Asphalt car park
- The rear of the shed and Rayner's Building face on to a service road and assorted service buildings
- The existing shed is built on land that falls away from the Rayner's Building
- The main building on the site, the B. G. Elliot Hall, is a Grade II Listed Building, and the application site is Curtilage Listed

### **c) Proposal Details**

- Demolition of existing storage shed
- Construction of modular building on footprint of existing building:
- The proposed modular building would be 24m wide, 10m deep and would have a pitched roof with a maximum height of 6.3m
- The proposal would provide an access ramp from the car park area in front of the Rayner's Building, a deck area between the new modular building and the Rayner's Building leading to a level access to the rear of the new building (which would include ramped and stepped access).
- The interior of the modular building would generally be divided into three spaces through the use of demountable partitions, allowing for use as a larger space when required.

### **d) Relevant History**

None specific to this part of the Harrow Arts Complex

|              |  |   |
|--------------|--|---|
| P/0918/09/GL | PROPOSAL: DEMOLITION OF EXISTING STORAGE SHED AND ERECTION OF NEW BRICK CLAD MODULAR BUILDING TO PROVIDE MULTIPURPOSE COMMUNITY LEARNING AND EVENTS FACILITY | Parallel application expires: 09-JUL-09 |
|--------------|--|---|

**e) Pre-Application Discussion**

Planning Advice Meeting 19-May-09:

- Proposal is acceptable in principle, subject to suitable external cladding materials to respect the setting of the Listed Building.

**f) Applicant Statement**

- Existing structure is not suitable for refurbishment
- Replacement structure would have similar scale and proportions to existing structure that would provide a flexible space for community events and adult learning.
- Replacement structure would be fully accessible, and a new accessible toilet would be provided in the adjacent Rayners Building.

**g) Consultations:**

Hatch End Association: No response received

Advertisement in the Harrow Observer:

Advertisement in the Harrow Times:

**Notifications:**

Sent:

1

Replies:

0

Expiry:

17-JUN-09

**Summary of Response:** N/A

**APPRAISAL**

**1) Setting of Listed Building, Character and Appearance**

The existing curtilage listed building is not of special architectural or historic interest and therefore there is no objection in principle to its demolition. The proposed replacement building's scale would not be out of keeping with the other curtilage listed buildings within this complex and would be subservient to the listed Harrow Arts Centre building.

However, the proposed replacement building's materials for its roof, doors, walls and windows could potentially be obtrusive. Therefore a condition is proposed which would require details of materials to be submitted to, and approved in writing by, the local planning authority. So, if this condition is complied with the proposal will comply with Harrow UDP policy D11.

The applicants have supplied samples of Ibstock Arcadian Antique brick slips and Marley Eternit Hawkins roof tiles in colour Staffordshire Mix. These samples are considered acceptable. However, no samples of the mortar jointing, windows or doors have been supplied.

Therefore, a condition requiring the two supplied materials to be used has been added to this condition, together with a further condition requiring samples of the mortar, windows and doors to be submitted to, and approved in writing by, the local planning authority, has been added to this permission.

If these conditions are complied with, the proposal will comply with Harrow UDP policy D11.

## **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, subject to the following condition(s):

## **CONDITIONS**

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

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

2 The walls of the proposed development shall be clad with Ibstock Arcadian Antique brick slips laid in a Flemish bond, and the roof finished with Hawkins roof tiles in colour Staffordshire Mix.

REASON: To protect the special architectural or historic interest of the listed building.

3 The development hereby permitted shall not commence until detailed drawings, specifications or samples of materials, as appropriate, in respect of the following external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

- a) window materials
- b) external mortar
- c) external doors

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

REASON: To protect the special architectural or historic interest of the listed building.

## **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.

Plan Nos: 651A-30-EL-01 REV D; 651A-20-GD-2; Design and Access Statement

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**72 LAKE VIEW, EDGWARE**

**Item: 2/12**

**P/0654/09/FOD/E**

Ward: CANONS

SINGLE/TWO STOREY SIDE, SINGLE STOREY REAR AND BASEMENT EXTENSIONS; CONVERSION OF GARAGE TO HABITABLE ROOM; EXTERNAL ALTERATIONS TO REAR PATIO

AGENT: DS Squared Architects – Mr. Dipesh Patel

APPLICANT: Mr Dhirajlal Shah

Statutory Expiry Date: 18-MAY-09

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## **RECOMMENDATION**

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

## **REASON**

The decision to GRANT planning permission has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed development would achieve a high standard of design, whilst providing a subservient extension of the dwellinghouse which would preserve the character and appearance of the Conservation Area and the amenity of the neighbouring residents, thereby complying with the policies and provisions of the Harrow Unitary Development Plan 2004 and the Canons Park Estate Conservation Area Policy Statement 1990.

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

D4 – The standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

T13 – Parking Standards

Canons Park Estate Conservation Area: Designation and Policy Statement 1990

Supplementary Planning Guidance: Extension's – A Householder's Guide 2008

## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Character and Appearance and Quality of Design in a Conservation Area (D4, D14, D15, Canons Park Estate Conservation Area: Designation and Policy Statement 1990, Supplementary Planning Guidance: Extensions – A Householder's Guide 2008)
- 2) Residential Amenity (D5, Supplementary Planning Guidance: Extension's – A Householders Guide 2008)
- 3) Parking (T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

## **INFORMATION**

This application is reported to Committee at the request of a nominated member. The application was deferred from Development Management Committee on 24<sup>th</sup> of June 2009 for a Members' site visit. The site visit took place on 16/17<sup>th</sup> July 2009.

### **a) Summary**

Statutory Return Type:     Householder Development  
Conservation Area:         Canons Park Estate  
Council Interest:           None

### **b) Site Description**

- The site is occupied by a dwellinghouse in the Canons Park Estate Conservation Area. The surrounding area is characterised by mature vegetation and tree lined avenues.
- The dwelling house is a large two-storey detached property, which replicates many of the features found in the Conservation Area with vertical tile hangings, hipped roof and timbers being the main features on the front elevation of the dwelling.
- The dwelling house extends to the boundary on the eastern side while the western side of the property remains open. An area of hard-standing has been created to the front of the dwelling.
- The dwelling at No.72 is set forward of the adjacent dwelling at No.74 by approximately 2m and has a similar building line to the adjacent property at No.70.
- The property features significant garden space to the rear and mature trees and close-boarded fencing enclose the garden to the west, south and east. The rear garden is set approximately 1 metre below the finished floor level of the dwelling and extends approximately 25 metres to the rear boundary of the property from the rear of the dwelling.
- The rear elevation has been extended to include a modest dormer on the rear roof slope. The rear elevation also features bay type rear projections on the western and eastern parts, which project approximately 2 metres beyond the rear wall of the dwelling. A balcony/veranda links these two elements at first floor level.

### **c) Proposal Details**

- It is proposed to erect a single and two storey side extension adjacent to No.74, a single storey rear extension and basement extension.
- The front wall of the single storey side extension would be flush with the front wall of the existing dwelling and extend across 1.7m, abutting the boundary with No.74 and extend rearward by 3.4m to link in with the two storey side extension.
- The single storey side element would have a flat roof over to a height of 2.75m
- The proposed two storey side extension would be set back by 2m from the front wall of the existing dwelling and extend 1.7m across to abut the boundary with No.74.

Item 2/12 : P/0654/09/FOD/E

- The two storey side element would have a pitched roof over to link in with the roof of the existing dwelling and would extend 8.75m to the rear to be flush with the existing original rear wall of the dwelling. Two rooflights are proposed in the side roofslope over the extension.
- The single storey rear extension would adjoin the side extension, abutting the boundary with No.74 and extending a maximum of 4m beyond the existing rearmost wall of the dwelling, including a 1m deep single storey conservatory element.
- The single storey rear element would be 3.1m high to a flat roof over and would extend almost the entire width of the dwelling house at 12m.
- A basement area is proposed beneath the rear part of the house, accessed internally via a spiral staircase, with stair access also to the rear garden. The basement would contain a gym and family room.
- It is also proposed to convert the existing garage to a habitable room, retaining the garage door in situ.

**d) Relevant History**

|               |  |                      |
|---------------|--|----------------------|
| P/2648/08     | Single storey side to rear extension   | GRANTED<br>02-OCT-08 |
| P/2957/04/DFU | Single storey front and side extension | REFUSED<br>19-MAY-05 |

**Reasons for Refusal:**

The proposed front and side extension, by reason of excessive bulk, prominent siting and inappropriate design, would result in loss of light and overshadowing, would be detrimental to the visual and residential amenities of the occupiers of the adjacent property, would detract from the appearance of the streetscene, the character and appearance of the property and would fail to preserve or enhance the character or appearance of this part of the conservation area.

|               |   |                      |
|---------------|---|----------------------|
| P/0894/04/CFU | Front and side extension to garage and resurfacing of forecourt with crazy paving | REFUSED<br>14-JUN-04 |
|---------------|---|----------------------|

**Reasons for Refusal:**

1. The proposed front extension, by reason of excessive bulk and prominent siting, would be unduly obtrusive in the street scene, result in loss of outlook, light and overshadowing, and would be detrimental to the visual and residential amenities of the occupiers of the adjacent properties, and the character and appearance of the Conservation Area.
2. The proposed extension of the hardsurfaced car parking area in the front garden and the resultant loss of soft planted areas would be unduly obtrusive and detract from the appearance of the building and the character and appearance of the Conservation Area.

|                 |                              |                      |
|-----------------|------------------------------|----------------------|
| EAST/457/01/FUL | Single storey rear extension | GRANTED<br>06-JUL-01 |
|-----------------|------------------------------|----------------------|

**e) Pre-Application Discussion**

- None



A single storey rear extension was previously approved under planning permission P/2648/08, granted 02/10/2009. The single storey rear element proposed under the current scheme differs from the one previously approved only in that it includes an extra glass conservatory projection of 1m in depth. Due to the absence of the single storey rear extension from any public viewing points, it is considered that the additional glass conservatory projection would not detract from the visual amenity of the area, preserving the character and appearance of the dwelling and that of the Conservation Area in accordance with Policies D4 and D15 of the HUDP (2004).

The application proposes the construction of a basement extension under the rear part of the dwelling and the existing patio. An entrance to this basement is proposed via a glass pod installed in the end of the rear patio, which when opened would lead to stairs down into the basement. As this element of the proposal would be situated at the very rear of the dwelling and at a low level below the floor level of the existing dwelling and patio it would not be a highly visible or prominent feature and would not have a detrimental impact on the character and appearance of the existing dwelling or the conservation area in accordance with Policies D4 and D15 of the HUDP (2004).

Retention of the garage door as part of its conversion to a room would be in keeping with the character of the Conservation Area.

The Division's Conservation Officer was consulted on the proposal who considered that the revised scheme would preserve the character and appearance of the Conservation Area and is therefore acceptable.

## **2) Residential Amenity**

The proposed side and rear extensions would abut the neighbouring boundary on the eastern side. The adjacent dwelling at No.74 includes a window in the front elevation that serves a dining room. The single storey side element would project beyond the adjacent front corner of the ground floor of dwelling at No.74 in the same way as an existing single storey side element at No.72 that is built to a similar height and projection as the proposed extension. It is therefore considered that this element of the proposal would not result in any additional harm to the living conditions at the front of No.74.

The applicant indicates that no additional overshadowing of No.74 would occur as a result of the proposal as the existing roof is higher than that proposed. The western side elevation of No.74 does not contain any protected windows. The proposed first floor side extension would therefore not overshadow any protected window, thereby complying with the vertical 45° code as set out in paragraph 3.14(II) of the Council's SPG on extensions. No windows are proposed in the flank elevation so there would be no overlooking of No.74.

Although the proposed glass conservatory projection would add an additional 1m to the depth of the proposed single storey rear extension approved under the previous planning permission, this element of the proposal would not have a detrimental impact on the residential amenities of any neighbouring occupiers.

This projection would be set away from the boundary with No.74 by 4.5m and would not therefore lead to an unacceptable level of overshadowing or overlooking to this property. Although the extension would only be 2m from the flank boundary with No.70, the presence of existing similar rear projections to the rear of No.70, and a boundary treatment consisting of a large brick wall and established vegetation, would prevent any undue overlooking and overshadowing of this property. Two windows provided in the flank wall of the proposed single storey rear extension would be obscured glazed and non opening.

There is not considered to be any detrimental impact on the residential amenities of any neighbouring occupiers as a result of the basement extension.

**3) Parking**

The proposal to convert the existing integral garage to a habitable room would result in the need for off street parking spaces to be provided within the hard surfaced front garden area. The dwelling currently provides a significant hard surfaced area to the front of the property with two vehicle crossings. It is considered that there is adequate hard surfacing to provide off street parking to serve the development.

**4) S17 Crime & Disorder Act**

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

**5) Consultation Responses**

- The potential impact on the neighbouring properties during the construction of the proposed basement is a matter for the Party Wall Act.
- The issues raised regarding the loss of light and privacy, and the impact of the proposal on the character and appearance of the existing dwelling, the street scene and the Conservation Area have been addressed in the report above.
- The Conservation Area Advisory Committee has commented that the proposed extensions would represent an overdevelopment of the site whilst removing open spaces from the site. However, it is considered that the proposed extensions would represent subordinate and subservient extensions of the dwellinghouse. Given the generous amount of space available to the rear of the application site, it is considered that the proposed development would not represent an overdevelopment of the site.
- This part of Lake View displays large detached properties which extend close to or right up to the boundary. It is therefore considered that open space to the sides of properties does not represent a feature of the character of the area. The proposed first floor extension would be set well back from the main front wall of the property and would represent a subordinate extension of the property. Given this setback, it is considered that any potential terracing effect would be negated.
- The proposed rooflights would be smaller than existing rooflights in the roof and are considered acceptable.

## **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, subject to conditions.

## **CONDITIONS**

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

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

2 The 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 extensions

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.

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. 09002 p 01.02 Rev 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 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.

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

REASON: To safeguard the amenity of neighbouring residents.

## **INFORMATIVES**

1 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.

Item 2/12 : P/0654/09/FOD/E

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

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

3 INFORMATIVE:

The applicant is advised that any window in the flank elevation of the development hereby permitted will not prejudice the future outcome of any application which may be submitted in respect of the adjoining property.

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

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan No.'s: 09002 P 01.01, 09002 P 01.02 Rev A, Design and Access Statement, 3D Shadow projection diagrams 09002

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**10 OXFORD ROAD, HARROW**

**Item: 2/13**

**P/2888/08/ML1**

Ward HEADSTONE SOUTH

CONVERSION TO TWO FLATS; SINGLE & TWO STOREY REAR EXTENSION;  
PARKING AT REAR

**Applicant:** Mr James McHugh

**Agent:** Mr Michael Cusack

**Statutory Expiry Date:** | 28-NOV-08

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## **RECOMMENDATION**

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

## **REASON**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed development makes efficient use of land whilst contributing to the provision of additional 'homes' targets, as detailed in the London Plan 2008, and would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers, and the character of the area.

**London Plan 3A.1, 3A.5**

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

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

SPG Extensions: A Householders Guide (2008)

T13 Parking Standards

H10 Maintenance and Improvement to Existing Housing Stock

Supplementary Planning Guidance Extensions: A Householders Guide (2008)

Supplementary Planning Document Accessible Homes (2006)

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## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

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

## **INFORMATION**

At the meeting of the Planning Committee on 24<sup>th</sup> June 2009 consideration of this application was deferred to enable a Members' site visit. This took place on 17<sup>th</sup> July 2009. This application is reported to committee at the request of a nominated member.

**a) Summary**

Statutory Return Type: Minor Dwellings

Council Interest: None

**b) Site Description**

- Subject site is located on the eastern side of Oxford Road on the corner of the junction with Dorset Road to the north.
- The site is occupied by a two storey, four bedroom end of terrace dwelling with a small single storey rear extension and parking area at the end of its rear garden fronting onto Dorset Road, the existing crossover to which was approved by the Council's Highway Department in 2006.
- There is a low wall and high hedge marking its small frontage.
- The attached dwelling at No.8 has a two storey rear extension set away from the boundary with the adjoining property.
- There is a door and first floor window in the flank wall of the property facing Dorset Road.
- The property has an approximately 18m deep rear garden.

**c) Proposal Details**

- Convert the dwelling into two self contained flats, comprising 2 x 2 bedroom units, one on the ground floor and one on the first floor.
- A single and two storey rear extension, the single storey element being 2.4m deep along the boundary with the adjoining property and stepping out at a distance of 2.1m from the boundary to a maximum depth of 3.4m.
- The two storey section would be 2.4m deep, the first floor element being 3.85m wide and set 0.5m from the detached flank wall of the building and 2.7m from the party wall.
- Access to the rear garden would be provided from the first floor flat via a gate in the property's side boundary fence from Dorset Road, the rear garden being split between the two flats proposed.
- The provision of refuse storage in the rear gardens close to the boundary with Dorset Road.
- Reintroduction of soft planting on the frontage and retention of the existing low wall and hedge.
- The provision of two parking spaces, one of which would be wheelchair accessible, at the rear of the property utilising the existing crossover from Dorset Road.
- Access to the ground floor flat would be via the existing door in the flank wall of the property, the first floor flat gaining access via the existing door in the property's front elevation.

**d) Relevant History**

- None

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Design and Access Statement and Lifetime Homes compliance information submitted.

- g) Consultations:**  
**Highways Officer** – No objection.

**Notifications:**

Sent: 10

Replies: 5

Expiry: 12-NOV-08

**Summary of Responses:**

Will result in additional parking pressure in light of proposed CPZ; Crossover onto Dorset Road built without planning permission?; Loss of family homes in the area; Will not give a good quality of life to tenants; Detrimental to quality of life in the locality due to extra cars and bins; Disappointing to see loss of family homes on Harrow's County roads; New flats elsewhere in the Borough more than satisfy the demand; Too many flats in the area which makes parking difficult; Destroying the character of the neighbourhood; Already pressure on local facilities.

**APPRAISAL**

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

The conversion of this four bedroom end of terrace property into two, two bedroom flats is considered not to have any detrimental impact upon the character and appearance of the area, the conversion not detrimentally increasing the intensity of use of this property as it would potentially accommodate a similar number of residents as the existing property.

The submitted plans show refuse storage areas in the rear gardens accessed independently via the side of the property, thereby avoiding any siting of bins on the frontage or the boundary with the adjacent property which would be unduly obtrusive. In line with policy D9 an improvement in terms of the streetscene appearance would be achieved through the provision of additional soft landscaping in the front garden of the property. The location of the two parking spaces at the rear of the property ensures that they would not be of detriment to the character and appearance of the area, the end of the rear garden being hardsurfaced at present.

The proposed single and two storey rear extension is considered not to have a detrimental impact upon the character and appearance of the area, the proposed extensions complying with the Council's adopted Householder SPG. The two storey rear extension would have a subordinate hipped roof to minimise its bulk, the single storey rear extension having a crown roof. The set in of the first floor rear extension by 0.5m from the original flank wall would reduce the impact of the proposed extension when viewed from Dorset Road, ensuring its acceptability in terms of the character and appearance of the area.

**2) Residential Amenity**

The proposed use of the site as a result of the proposed flat conversion is considered to have an acceptable level of impact upon the amenities of neighbouring occupiers. It would result in three habitable rooms in each flat, as opposed to a total of seven in the house at present. Significantly each flat would accommodate up to three people, so that the maximum total of six residents in the two flats would be equivalent to the number which could be accommodated in the existing property.

It is considered that the size of the proposed flats overall would meet the needs of the intended occupiers, the room sizes proposed being in line with the previously adopted Environmental Health Standards. The proposed internal layouts would be adequate as bedrooms and living areas are located above and below one another between the ground floor and first floor unit. The rear garden would be split between the two units, direct access to this area from the first floor unit being provided via a gate in the side boundary fence from Dorset Road.

The proposed extensions are acceptable in terms of their impacts upon the residential amenities of neighbouring occupiers according to the adopted Householder SPG. The proposed two storey rear extension would not cross a 45° line from the first floor rear corner of the adjoining property at No.8, this element being sited 2.7m from the shared boundary between the two properties. The 3m roof edge height of the crown roof over the single storey rear extension and its 2.4m depth on the boundary with No.8, the extra depth being set away from the boundary to comply with the SPG's 'two for one' rule, ensure that the single storey element complies with the adopted SPG and is therefore considered not to have a detrimental impact upon the amenities of the adjoining occupiers.

**3) Parking**

The Council's UDP sets maximum car parking standards and as such there is no minimum. The proposed situation would allow for two off-street parking spaces at the rear of the site, utilising the existing vehicular crossover which was approved by the Council's Highways Department in 2006. One of the proposed off-street parking spaces would be capable of being used as a disabled parking space due to its size and a suggested condition would control the allocation of this space to the proposed ground floor unit. The Council's Highways Officer has made no objection to this scheme as two off-street parking spaces are provided and it is therefore considered that the proposed layout is acceptable and that there would be no detrimental impact upon on-street parking in the locality as a result of this proposal.

**4) Accessibility**

As stated above, the proposed development allows for a disabled parking space for use by the ground floor flat in line with Lifetime Homes standards. The proposed layout of the ground floor flat as shown on the submitted plans would meet the requirements of the SPD, particularly in regard to doorway and hallway widths and turning circles within rooms.

Level entrances are shown on the submitted plans although it is acknowledged that the width of the side footpath would not allow for a turning circle for wheelchair access and that the existing difference in levels between the front doors and the adjacent footpaths could not be overcome to achieve level access. The proposed ground floor unit is therefore considered to comply with the requirements of the SPD as fully as possible, with the potential for future adaptation to provide a Lifetime Home, albeit not as a wheelchair unit.

**5) S17 Crime & Disorder Act**

The proposal is considered not to have any detrimental impacts with respect to this legislation.

**6) Consultation Responses:**

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

- *Will result in additional parking pressure in light of proposed CPZ* – The Council's Highways Department have confirmed that there is no proposal for a CPZ outside the front or the side of the property. Double yellow lines are proposed at the junction at the side of the property but these will not extend the length of the site, primarily being sited adjacent to the dwellinghouse itself.
- *Crossover onto Dorset Road built without planning permission* – As this is not a main road planning permission would not be required for this crossover. The existing vehicular crossover was approved by the Council's Highways Department in 2006
- *Loss of family homes in the area; Disappointing to see loss of family homes on Harrow's County roads; New flats elsewhere in the Borough more than satisfy the demand; Already pressure on local facilities* – There are no locally adopted planning policies protecting family homes or limiting the number of flat conversions. The proposal has been considered having regard to the character of the wider area is considered to have a mix of dwelling types. Within this context the proposal would not be detrimental to this character.

**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.

**CONDITIONS**

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

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

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

REASON: To safeguard the appearance of the locality.

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

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

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

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

5 The development hereby permitted shall be built to the Lifetime Home Standards shown on the approved drawings 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 The development hereby permitted shall not be occupied or used until the wheelchair accessible parking space shown on the approved plans has been made available for use. The wheelchair accessible space shall be allocated for use by the occupants of the ground floor flat only and shall be used for no other purpose without the prior written permission of the Local Planning Authority.

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

7 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.

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

### **2 INFORMATIVE:**

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

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

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

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

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Textphone: 0870 1207 405 E-mail: [communities@twoten.com](mailto:communities@twoten.com)

### 3 INFORMATIVE:

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

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: ELV/E/01; ELV/P/01/E; ELV/E/02; ELV/E/03; ELV/P/02; PLN/E/01; PLN/E/02; ELV/P/01/E; ELV/P/03/A4; PLN/P/02/C; PLN/P/01/B; PLN/PE/01/D; Design and Access Statement; Lifetime Homes compliance information; Site Plan

**ST ANN'S SHOPPING CENTRE, ST ANN'S ROAD, HARROW**  
**P/1440/09/RH/MAJ**

Ward HARROW ON THE HILL

TEMPORARY PERMISSION FOR GERMAN CHRISTMAS MARKET FROM 21<sup>ST</sup> NOVEMBER 2009 TO 31<sup>ST</sup> DECEMBER 2009 INCLUDING INSTALLATION OF TEMPORARY STALLS

**Applicant:** Sven Schmidt

**Statutory Expiry Date:** | 16-AUG-09

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## **RECOMMENDATION**

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

## **RECOMMENDATION**

The proposed temporary Christmas market represents an appropriate use within the Metropolitan Centre that would be compatible with surrounding development and would contribute positively to the character and vitality of the area. Acceptable arrangements have been made with regards to management, security, access and waste storage and collection. 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:**

- 3D.1 Supporting town centres
- 3D.2 Town centre development
- 4A.1 Tackling climate change
- 4A.6 Supplying energy efficiently
- 4B.1 Design principles
- 4B.6 Safety and security

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

- EM10 Open air markets
  - EM24 Town centre development
  - EM25 Food, drink and late night uses
  - EP16 Waste management, disposal and recycling
  - EP25 Noise
  - T6 Transport impact
  - T13 Parking standards
  - D4 Standard of design and layout
  - D7 Design in retail areas and town centres
  - D23 Lighting
- 

## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1)** Principle of Development (3D.1, 3D.2, EM13, EM24, EM25)
- 2)** Design and Character of Area, (4B.1, D4, D7, D23)
- 3)** Neighbourhood Amenity (4B.6, EP16, EP25, D23)

- 4) Parking and Highway Safety (T6, T13)
- 5) Sustainability – Energy Demand (4A.1, 4A.6)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

## INFORMATION

### a) Summary

|                        |   |
|------------------------|---|
| Statutory Return Type: | Minor development   |
| Site Area:             | 120m <sup>2</sup>   |
| Floor Area:            | 120m <sup>2</sup> (total area of 14 stalls)   |
| Car Parking:           | Standard: “Other non-residential buildings” – each case to be treated on its merits within the context of restraint based standards and Government guidance |
|                        | Justified: 0  |
|                        | Provided: 0   |
| Council Interest:      | None  |

### b) Site Description

- The application site is located along St Ann’s Road in Harrow and comprises of the section of St. Ann’s Road between the St George Shopping Centre to the west and Havelock Place to the east
- The site is within the Harrow Metropolitan Centre and acts as a pedestrian through-road and is important in providing permeability for shoppers and customers within the heart of Harrow’s shopping and business centre
- Given the Metropolitan Centre location, the site is surrounded predominantly by office and retail uses, including the large St George and St Ann’s shopping centres
- A Police kiosk is proposed within the area of the proposed development along St Ann’s Road.
- The site is well served by public transport, being within close proximity of the South Harrow tube station and the many bus routes connecting the town centre with surrounding areas
- There are also large parking areas located within the St Ann’s and St George shopping centres, which serve the needs of visitors arriving in Harrow by way of private vehicle
- The properties along this stretch of St Ann’s Road have a primary designated shopping frontage as identified by the Harrow UDP Proposals Map
- The surrounding area comprises primarily of a range of commercial uses

### c) Proposal Details

- The application seeks temporary permission for a German Christmas market from 21<sup>st</sup> November 2009 to 31<sup>st</sup> December 2009, excluding Christmas Day (40 days)
- Proposed hours of operation for the market are 1000 hours to 2000 hours, 7 days a week (excluding Christmas Day, when the market would be closed)
- Although permitted development rights exist for the holding of a market, permission is required here as the use would exceed the prescribed period of 28 days in a calendar year

- The market would consist of a maximum of 14 temporary stalls, including craft and goods stalls and food and drink stalls
- The main bar is described as a “3-storey, tetrahedron pyramid” which would have a bar on 5 sides, a covered area with a diameter of 6m and a maximum height of 7.8m. This main designated food and drink area would have a total of 12 tables and 48 chairs and the bar would be operated by 6 staff
- 2 electricity generators and 2 large 1100L waste containers within a fenced off area also form part of the proposal
- Site will be serviced from Havelock Place and the St Georges fire gate dependent on the location of the stalls
- Servicing of stall will be carried out between 0730 hours and 0900 hours
- No vehicles access will be permitted after 0900 hours
- Parking for 5 or 6 trader vehicles will be provided in the Greenhill Road car park
- Refuse collection has been agreed with Council Services to be undertaken as part of the refuse collection for St Anns. Refuse will be collected throughout the day between the hours of 0600 hours to 1800 hours Monday to Sunday. Bins will be allocated to market stalls. Recycling of materials will be undertaken where possible.

**d) Relevant History**

- None

**e) Pre-Application Discussion**

- The applicant entered into pre-application discussions with the planning department where the general principle of the proposed use and details of the proposal were discussed

**f) Applicant Statement**

- The Christmas market would provide shopping, food and drink, entertainment and aesthetic enjoyment for visitors and would make a positive contribution to the town centre during a special time of year
- The company, BS Logistics Ltd, has a proven history of organising successful Christmas markets in other locations including Birmingham, Bournemouth, Brighton and the London boroughs of Ealing and Kingston upon Thames
- It is the policy of the company to reduce pollution as far as possible. Provision of power and water and refuse disposal will be dealt with effectively
- Power supply will be provided by a specialist company by way of 2 x 125KW generators, which will be sensitively positioned and would meet the requirements of the local authorities
- There will be a supervisor on-site at all times to deal with any problems or disruptions arising during operating hours and after hours security will also be provided
- Two large waste disposal containers will be provided as well as waste bins for all food store stands

**g) Consultations:**

**Advertisement:**            General Notification            Expiry:18-JUL-09

**Notifications:**

Sent: 26-JUN-09

Replies: 0

Expiry: 18-JUL-09

**Summary of Response:**

No response at time of writing report.

**APPRAISAL**

**1) Principle of Development**

The site is located within the Harrow Metropolitan Centre in the Harrow Unitary Development Plan. Policy 3D.1 *Supporting town centres* of the London Plan states that the Mayor and Boroughs should enhance access to goods and services and strengthen the wider role of town centres, including DPD policies to:

- Encourage retail, leisure and other related uses in town centres
- Enhance the competitiveness and quality of retail and other consumer services in town centres

Furthermore, London Plan policy 3D.2 *Town centre development* states that DPD policies should encourage development on sites in town centres and additional comparison goods capacity in larger town centres to secure a sustainable pattern of retail provision.

Policy EM10 of the Harrow Unitary Development Plan relates to Open Air Markets and states that these will be permitted on suitable sites within town centres, having regard to: amenities of nearby residents; adequate arrangements for access, servicing, refuse disposal and parking and; impact on existing shopping provision, traffic and pedestrian movements. The proposed Christmas market is also generally supported by policy EM24 *Town centre environment*, which encourages initiatives to stimulate evening economy, and policy EM25 *Food, drink and late night uses*, which supports these uses subject to consideration of residential amenity, location, type of use, hours of operation, noise levels and parking/servicing arrangements.

In light of the aforementioned policy requirements, it is considered that the proposed temporary Christmas market – essentially a retail use – represents an appropriate use within the Metropolitan Centre and would complement existing retail activity within the locality. The markets would bring vibrancy and vitality to the centre and would contribute positively to the overall shopping experience for both regular local shoppers and visitors to the area. The novelty and German Christmas theme associated with the proposed market is likely to attract greater numbers of shoppers to Harrow and is therefore likely to benefit the established shops and services and make a positive overall contribution to the economy of the area. The associated food and drink uses are a central part of the proposal in terms of creating a market atmosphere and providing refreshments and food to visitors. This element of the proposal is therefore acceptable, subject to meeting other policy requirements as outlined below.

The principle of the proposed temporary Christmas market is therefore considered acceptable.

## **2) Design and Layout**

The proposal would involve the temporary installation of 14 market stalls and 2 generators for a total of 41 days. The largest and most significant structure would be a 3-storey, tetrahedron pyramid which would have a bar on 5 sides, a covered area with a diameter of 6m and a maximum height of 7.8m. This main designated food and drink area would be located to the eastern end of St Ann's Road and would also include a total of 12 tables and 48 chairs. Although relatively high, the main bar structure would be positioned in the centre of the street and would represent a focal point for the proposed market area. Given its siting, location within the built-up town centre and temporary nature, it is considered that this main structure would not adversely impact on the character and appearance of the surrounding area.

All other stalls would be relatively minor in nature and would not appear visually obtrusive within the street scene. The stalls would be well spread out in order to further minimise their visual impact and to allow for greater pedestrian movement within the area. Again, the temporary nature of the proposal would be such that the stalls would have no long term impact on the character and appearance of St Ann's Road.

Each stall is to be provided with refuse bins that are to be collected from the stalls through out the day as part of the wider refuse collection for St Ann's Road, this arrangement has been agreed with the Council's Refuse Policy Manager.

It is considered that the design and layout of the various stalls and structures would be consistent with explanatory paragraph 4.10 of Policy D4 of the Harrow UDP 2004, which states that 'development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces; and Policy D4 explanatory paragraph 4.11, which states that 'buildings should respect the form, massing composition, proportion and materials of the surrounding townscape'.

## **3) Neighbourhood Amenity**

Policy EM10 of the Harrow Unitary Development Plan 2004 requires applications for open air markets to have strict regard to amenities of nearby properties. Policy EP25 of the UDP seeks to minimise noise disturbance, and states that development proposals that would lead to unacceptable level of noise, vibration or disturbance will be refused.

The properties adjoining the proposed open market along each side of St Ann's Road are commercial in nature and therefore do not present issues of residential amenity. Although there are residential flats located on the upper floors of x buildings, these properties are sufficiently distant from the site that they would not be unduly or significantly affected by the lighting, noise or general disturbance associated with the proposed use. The stalls would be stocked between the hours of 0730 to 0900 hours, and the operating hours of the Christmas market would be from 1000 hours to 2000 hours every day. The servicing/restocking of the stalls is undertaken separately by each of the stall holders this is normally by van and is not considered to result in any undue noise and disruption given the small size and number of the stalls.

The operating hours would be largely consistent with the opening hours of the shopping centres during the Christmas period and would further ensure that the amenity of neighbouring properties would not be compromised. In addition, any noise resulting from the use would be required to be within the acceptable range according to the EH section and a noise condition has been recommended to this effect.

It is further noted that a Police kiosk is to be located on St Ann's Road within the proposed market area before the Christmas period. The Police presence would assist in reducing the level of any disruptive or unsocial behaviour that may arise. The Police have also been consulted and commented on the details of the proposal, including the overall layout and positioning of the main food and drink area. The applicant has advised that the bar by reason of the relatively high cost of beer/wine, the requirement to pay a deposit for the glass along with winter temperatures ensures that this stall not raise any noise or disturbance issues from patrons.

Christmas lighting also forms part of the proposal however again, given the location in the town centre, the relatively high level of existing external lighting, and the proximity to residential properties, this would not result in any significant impact on neighbouring amenity.

For the above reasons, it is considered that the proposal would not result in any significant impact on the amenities of neighbouring properties and therefore that this does not represent grounds for refusal of the development.

#### **4) Parking and Highway Safety**

Due to its town centre location, St Ann's Road has a high degree of accessibility, with the many bus routes connecting Harrow to surrounding areas and the South Harrow tube station located just to the south of the proposed market site.

Schedule 5 to the Harrow UDP gives the maximum parking standards for particular use classes and states that parking standards for "other" non-residential buildings will be treated on its merits within the context of restraint based standards and Government guidance. Although there is no designated parking proposed, this is considered unnecessary as the Christmas market would complement and be absorbed by existing retail activity within the Harrow town centre. Inner town centre car parking exists within the St Ann's and St George shopping centres and it is clear that there should be no requirement for any further designated parking under these particular circumstances.

Specific information regarding parking/loading of service vehicles (e.g. waste collection vehicles) have not been provided and therefore a condition is recommended whereby full details of these arrangements must be submitted for further approval.

With due regard to policy 4B.6 of the London Plan and policies T6 and T13 of the Harrow UDP and subject to appropriate planning conditions, it is considered that the proposal is acceptable on parking and highways safety grounds.

**5) Sustainability – Energy Demand**

London Plan policy 4A.1 'Tackling Climate Change' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach to sustainability, while policy 4A.6 relates specifically to supplying energy efficiently. Overall, the policies of the London Plan seek to address climate change through minimising emissions of carbon dioxide.

Although no specific energy saving measures have been proposed, the proposal is for a temporary use only and does therefore not present any long term concerns surrounding energy use.

**7) S17 Crime & Disorder Act**

Policy D4 of the Harrow Unitary Development Plan 2004 advises that crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan (consolidated with alterations since 2004) seeks to ensure that developments should address security issues and provide safe and secure environments.

St Ann's Road is a public road and is therefore already served by established security measures such as external street lighting and CCTV. It is also noted that the Police were consulted prior to the application with regards to the overall layout of the proposed market and specifically the siting and positioning of the main food and drink area and are satisfied with these arrangements. A Police kiosk is also proposed on St Ann's Road, among the proposed market stalls. The organisers of the Christmas market would have a supervisor on site at all times during operating hours and after hours security would also be provided. It is therefore considered that appropriate measures would be in place to ensure a safe and secure environment in accordance with the relevant UDP and London Plan policies.

**8) Consultation Responses**

**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, subject to the following conditions:

**CONDITIONS**

1 Temporary planning permission only is granted for the period from 21<sup>st</sup> November 2009 to 31<sup>st</sup> December 2009.

REASON: In accordance with the details of the application and to protect the amenity of nearby properties, in accordance with policies EM10, EM24 and EM25 of the Harrow Unitary Development Plan.

2 The buildings hereby permitted shall be removed and the land restored to its former condition on or before the 14<sup>th</sup> January 2010.

REASON: The buildings, by reason of their temporary nature and siting within a public road, are not considered suitable for retention.

3 The use hereby permitted shall not open to customers outside the following times 1000 hours and 2000 hours on any day.

REASON: To protect the amenities of nearby properties and the character of the town centre, in accordance with policies EM10, EM24, EM25, D4 and EP25 of the Harrow Unitary Development Plan.

4 The number of market stalls shall be limited to no more than 14 unless agreed in writing with the Local Planning Authority.

REASON: To protect the amenities of nearby properties and the character of the town centre, in accordance with policies EM10, EM24, EM25, D4 and EP25 of the Harrow Unitary Development Plan.

5 There shall be a supervisor available on site at all times during operating hours of the Christmas market, whose name and contact telephone number shall be provided to the LPA prior to commencement of the use and clearly displayed within the market area.

REASON: 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.

6 The level of noise emitted from the activity shall be lower than the existing background level by at least 10 LPA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142. The background noise level shall be expressed as the lowest LA90 during which plant is or may be in operation.

REASON: To safeguard the amenity of neighbouring residents in accordance with Policy EP25 of the Harrow Unitary Development.

7 The development hereby permitted shall not commence 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 approved arrangements shall be put in place prior to the commencement date of the temporary use hereby permitted and shall be retained for the duration of the use.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties, in accordance with Policy EP16 of the Harrow Unitary Development Plan.

8 The development hereby permitted shall not commence until full details of access, parking and loading arrangements for all service vehicles have been submitted to, and approved in writing by, the local planning authority. The use hereby permitted must be carried out in accordance with the approved details for the duration of the use.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, in accordance with policy 4B.1 of the London Plan and policy T6 of the Harrow Unitary Development Plan.

## **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.

Item 2/14 : P/1440/09/RH/MAJ continued/...

## 2 INFORMATIVE

Compliance with Food Safety (General Food Hygiene) Regulations advice. The premises may be required to register with the Council as a food business and to comply with the requirements of the Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety Act 1990.

Plan Nos: 2308/C3/01 Rev C submitted on 24<sup>th</sup> June 2009

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**55 GORDON AVENUE, STANMORE**

**Item: 2/15**

**P/0130/09/ML1/E**

Ward STANMORE PARK

DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT TO PROVIDE FOUR TERRACED TWO STOREY HOUSES WITH ROOMS IN ROOFSPACE FRONTING GORDON AVENUE WITH PARKING AND PERGOLAS AT FRONT ACCESSED FROM WEYMOUTH WALK

**Applicant:** Banner Homes Ltd, Mr Neil Cottrell

**Statutory Expiry Date:** | 01-APR-09

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## **RECOMMENDATION**

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

## **REASON**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed development makes efficient use of land whilst contributing to the provision of additional 'homes' targets, as detailed in the London Plan 2008, and would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers, and the character of the area.

**London Plan:** 3A.1, 3A.5

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

- D4 Standard of Design and Layout
- D5 New Residential Development - Amenity Space and Privacy
- D9 Streetside Greenness and Forecourt Greenery
- EP25 Noise
- T6 The Transport Impact of Development Proposals
- T9 Walking
- T13 Parking Standards

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

Supplementary Planning Guidance 'Designing New Development' (2003)

Supplementary Planning Document 'Accessible Homes' (2006)

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## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Character and Appearance of the Area (3A.1, D4, D9, SPGs)
- 2) Residential Amenity (3A.5, D5, EP25, SPD, SPGs)
- 3) Parking and Highway Safety (T6, T9, T13)
- 4) Accessibility (3A.5, SPD)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

## **INFORMATION**

### **a) Summary**

Statutory Return Type: Minor Dwellings  
Council Interest: None

### **b) Site Description**

- Large two-storey detached building with accommodation in the roofspace on the southern side of Gordon Avenue, on the corner with Weymouth Walk to the west.
- The existing property has been previously extended and converted into 4 flats.
- Long and relatively narrow site, measuring approximately 53m in depth and 24m in width (1272m<sup>2</sup> site area).
- Approximate footprint of the existing property is 218m<sup>2</sup>.
- There is a public footpath approximately 2m in width running along the site's eastern boundary.
- The site's front boundary is marked by large trees and planting.
- No.53C Gordon Avenue to the east has a long single storey front projection, its two storey bulk being set approximately 3.5m rearward of the two storey front extension at No.55.
- The flank of the single storey front extension at No.53C contains habitable room windows facing the appeal site.
- No.53C has a single storey rear extension in the form of a glazed conservatory close to its western boundary.
- The properties on the northern side of Gordon Avenue opposite the application site are at a ground level approximately 1.5/2m lower than No.55.
- The property's rear garden is currently used as a communal amenity space for the four flats and is approximately 18m deep, having an approximate area of 342m<sup>2</sup>.
- Gordon Avenue is characterised by mixed forms of residential development comprising detached, semi-detached and terraced houses together with flats.

### **c) Proposal Details**

- Demolition of the existing building and the erection of four x two-storey 4 bedroomed houses with accommodation in the roofspace.
- The approximate footprint of the proposed terrace is 307.75m<sup>2</sup> and its front building line would be slightly staggered.
- Main entrance doors to three of the four units would front Gordon Avenue, the fourth being contained within the flank return wall along Weymouth Walk.
- The terrace would have two front dormers and four rear dormers.
- There would be a single storey link in the centre of the row of terraced properties, so that the upper floors would appear as the two pairs of semi-detached dwellinghouses.
- Each of the two two-storey sections of the development would have crown roofs with front gable details

- Eight car parking spaces (4 of which would be wheelchair accessible spaces) are proposed on the site's frontage, accessed from Weymouth Walk in the north western corner of the site. Four of these spaces would be beneath the two proposed Pergolas which would be open at the front, sides and rear with a slatted roof, each being approximately 6m wide x 6m deep and having a height of 2.5m.
- The proposed houses would have rear gardens which would be approximately 12/13m deep and 5-7m wide within which refuse and cycle storage would be contained.
- Access to the rear gardens of the western three units would be possible without passing through the houses due to a rear pathway from Weymouth Walk, and to the easternmost unit via a footpath along the eastern side of the building.

**Revisions since refused application P/0830/08/CFU**

- Reduction from five to four dwellinghouses.
- Building setback from Gordon Avenue to not extend forward of front building line of existing building.
- Approximate 10m<sup>2</sup> reduction in building footprint.
- Removal of garage and driveway parking from the rear of the site.

**d) Relevant History**

|               |  |  |
|---------------|--|--|
| P/3305/06/CFU | Demolition of existing dwelling and redevelopment to provide single, two and three storey block of 8 self contained flats with balconies to side and front; forecourt and rear parking, vehicular access from Weymouth Walk, bin and cycle store at front. | DEEMED<br>REFUSAL<br>APPEAL<br>DISMISSED<br>10-01-08 |
|---------------|--|--|

**Reasons for refusal had an appeal not been lodged:**

1 The proposed building, by reason of excessive bulk, massing, unsatisfactory design and prominent siting, would be out of scale with neighbouring properties, visually obtrusive and overbearing in the streetscene, out of character with the predominant pattern of development in the area, and give rise to overdevelopment and an overintensive use of the site, to the detriment of the character and appearance of the area and neighbouring residential amenities contrary to Policies SD1, SH1, D4, D5 and EP25 of the Harrow Unitary Development Plan (2004) and the Supplementary Planning Guidance 'Extensions: A Householders Guide' (2003).

2 The prominent siting of the detached bin and cycle store in the front garden and adjacent car park would be visually obtrusive and result in excessive hardsurfacing and inadequate planting to the detriment of the streetscene contrary to Policies SD1, D4, D5, D8 and D9 of the Harrow Unitary Development Plan (2004).

3 The proposed development, by reason of inadequate/unsatisfactory private amenity space, deficiencies in terms of Secured By Design and Lifetime Homes standards, would provide a substandard level of amenities for future occupiers of the development contrary to Policies SD1, D4, D5 and H18 of the Harrow Unitary Development Plan (2004) and the 'Accessible Homes' Supplementary Planning Document (2006).

4 The two parking spaces fronting onto Weymouth Walk would be visually unacceptable and give rise to vehicle crossovers of excessive width, to the detriment of the appearance of the area and the safety and free flow of traffic and pedestrians contrary to Policies SD1, D4, T6, T9 and T13 of the Harrow Unitary Development Plan (2004).

|               |   |  |
|---------------|---|--|
| P/1757/07/CFU | Demolition of existing building and redevelopment to provide terrace of 4 two storey houses with rooms in roofspace fronting Gordon Avenue, with double garage and parking at front with access from Weymouth Walk, detached 2 storey house fronting Weymouth Walk with integral garage | REFUSED<br>15-08-07<br>APPEAL<br>DISMISSED<br>10-01-08 |
|---------------|---|--|

**Reasons for Refusal:**

1 The proposed development, by reason of excessive bulk, prominent siting and unsatisfactory design, would be out of scale with neighbouring properties, visually obtrusive and overbearing in the streetscene, out of character with the predominant pattern of development in the area, and give rise to overdevelopment and an overintensive use of the site, to the detriment of the character and appearance of the area and neighbouring residential amenities contrary to policies SD1, SH1, D4, D5 and EP25 of the Harrow Unitary Development Plan (2004) and the Supplementary Planning Guidance 'Extensions: A Householders Guide' (2003) and 'Designing New Development' (2003).

2 The proposal by reason of its siting, layout and design would provide poor outlook and lead to conditions giving rise to actual and perceived overlooking of the rear garden of the proposed detached house fronting Weymouth Walk and rear garden of 53C Gordon Avenue resulting in a loss of privacy to the detriment of the amenities of future occupiers of the site and the nearby occupiers, contrary to policies SD1, D4, and D5 of the Harrow Unitary Development Plan (2004) and the Supplementary Planning Guidance 'Extensions: A Householders Guide' (2003).

3 The proposed detached garage by reason of its excessive bulk and prominent siting in addition to the excessively hardsurfaced car park would be intrusive to the detriment of visual amenity and the streetscene contrary to policies SD1, D4, D5 and D9 of the Harrow Unitary Development Plan (2004).

4 The proposed development by reason of inadequate/ unsatisfactory private amenity space and non-compliance with the Lifetime Homes standards, would provide substandard accommodation to the detriment of the amenities of future occupiers of the development contrary to policies SD1, D4, D5 and H18 of the Harrow Unitary Development Plan (2004) and the Supplementary Planning Documents 'Accessible Homes' (2006) and 'Access for All' (2006).

|               |  |                       |
|---------------|--|-----------------------|
| P/3401/07/CFU | Demolition of existing building and redevelopment to provide terrace of 5 two storey houses with rooms in roofspace fronting Gordon Avenue, with parking at front and double garage at rear accessed from Weymouth Walk. | WITHDRAWN<br>06-03-08 |
|---------------|--|-----------------------|

|               |  |  |
|---------------|--|--|
| P/0830/08/CFU | Demolition of existing building and redevelopment to provide terrace of 5 x two storey houses with rooms in roofspace fronting Gordon Avenue, with parking and pergola at front and double garage at rear accessed from Weymouth Walk (revised). | REFUSED<br>24-04-08<br>APPEAL<br>DISMISSED<br>29-01-09 |
|---------------|--|--|

**Reason for Refusal:**

The proposed development, by reason of excessive bulk, prominent siting and unsatisfactory design, would be out of scale with neighbouring properties, visually obtrusive in the streetscene, out of character with the predominant pattern of development in the area, and give rise to overdevelopment of the site, to the detriment of the character and appearance of the area contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and the Supplementary Planning Guidance 'Extensions: A Householders Guide' (2003) and 'Designing New Development' (2003).

**e) Pre-Application Discussion**

**Planning Advice Meeting – 10/06/08**

- Scheme for 5 houses discussed but considered unacceptable, suggested scheme for 4 houses.
- More contemporary design and refuse storage at the rear encouraged.

**Planning Advice Team – 02/07/08**

- Scheme for 4 houses proposed, principle and design considered to be acceptable.

**f) Applicant Statement**

- Design and Access Statement submitted.

**g) Consultations:**

- *Stanmore Society* – No response.
- *Environment Agency* – We have assessed this application as having a low environmental risk within our remit. Therefore we will not be providing comments on this application.
- *Waste Management Policy Officer* – Each unit requires storage for three refuse bins. The bins will be collected from the front curtilage.
- *Drainage Services* – Conditions and Informatives suggested

**Notifications:**

Sent: 49

Replies: 7

Expiry: 02-MAR-09

**Summary of Responses:**

- Object to number, height, siting and scale of dwellings in comparison with surrounding development and the resultant impact the proposal will have on neighbouring residential amenity.

- Building is not forward of existing front building line and appearance is in keeping with the area; No objection if same height or lower than current building; Far better than previous schemes.
- Existing foliage fronting the site (not shown on the plans) should remain or be added to, contributes to the suburban character of road.
- Local traffic is in excess of the road capability, congestion around Stanmore in rush hour is some of the worst in NW London, building even more homes on what is already an overburdened road system is not sensible, local residents suffer and have had enough development in the area that makes traffic intolerable.
- Insufficient provision of car parking, would result in parking along Weymouth Walk to the detriment of road safety and access to properties, there is room for 10 parking spaces in the frontage, turning area not adequate within the site and will result in cars reversing into Weymouth Walk, opening at the front of the site onto Weymouth Walk should be retained as existing, residents of the site do not have a legal right to park in Weymouth Walk, would have access rights only, planning permission obtained to install gates across Weymouth Walk adjacent to the rear of the site.
- Use and construction of the site will lead to damage of Weymouth Walk which should subsequently be resurfaced; Demolition of the existing property could lead to structural damage of properties in Weymouth Walk, structural reports before and after development should be carried out with any associated damage being rectified by the developer, should be a planning condition.
- Drawings do not detail refuse and cycle storage, refuse storage should be located on the frontage adjacent to Gordon Avenue, refuse bins should not be stored in the frontage adjacent to neighbouring property at No.53C as would smell and be unsightly.
- No objection to rooflights but concerned about overlooking from windows opposite No.53C.

## **APPRAISAL**

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

The style of the proposed houses is considered to be appropriate in this location which is characterised by mixed types of housing. The apparent semi-detached form of the buildings together with the front gable features and front dormers would provide an acceptable impact on the streetscene, subject to the use of satisfactory materials.

The proposed houses would be sited on a similar front building line to the existing building on the site although the easternmost front corner would be 3.35m rearward of the existing front wall adjacent to No.53C Gordon Avenue. The proposed roof of the building would have a similar ridge height to the existing building with a similar overall width. The proposed building would project a similar distance forward of No.53C Gordon Avenue as the previous appeal schemes but would have less staggered front and rear building lines. In comparison with the most recent scheme P/0830/08 for 5 terraced houses the development has been pulled back by 2m to the line of the existing building on the eastern side of the site in order to overcome the Inspector's principal objection which related to the streetscene impact of the previous proposal.

In relation to that proposal the Inspector raised no objection to the density, scale or style of the proposed development and it is considered that this development which would have a similar design and density is acceptable in terms of its impact on the character and appearance of the area as it resolves his sole concern about the forward siting of the eastern element of the building.

The proposed layout of the Gordon Avenue frontage of the site shows hard surfacing to provide 8 off-street car parking spaces, 4 of which would be sited under two pergolas. The hardsurfacing would be at least 10m from the front boundary and the frontage would contain existing trees with new soft landscaping which would help to screen the parking area. Access to the parking would continue to be from Weymouth Walk. The size and style of the proposed Pergolas would mean that they would not be prominent when viewed in the streetscene of Gordon Avenue and so they are considered to be acceptable components of the scheme.

## **2) Residential Amenity**

No objections were raised by the Inspector in relation to the most recently refused scheme in terms of the impact of any aspect of the proposal on residential amenity. As this revised scheme is comparable to the previously refused scheme and complies with the Council's SPG in terms of its siting and height in relation to the neighbouring house at No.53C, it is considered that this proposal is acceptable in terms of its impact upon the residential amenities of neighbouring occupiers in terms of light, outlook, overshadowing and privacy.

In paragraph 24 of the appeal decision relating to the refused scheme for four terraced properties with a detached house at the rear (P/1757/07/CFU), the Inspector commented that the '...gardens would generally be small but I am not convinced on the evidence before me that...(they) would be inadequate for future occupants. In any event, the amount and quality of amenity space is a factor that future residents would take into account in their decision to occupy one of the units'. In light of the Inspector's comments on that similar scheme, in which the rear gardens of the terraced properties would range between approximately 50m<sup>2</sup> and 70m<sup>2</sup> whereas the current proposal would have a range between approximately 70m<sup>2</sup> and 120m<sup>2</sup>, it is considered that the proposed outdoor amenity space is acceptable and would not be of detriment to the residential amenities of future occupiers of the site.

## **3) Parking and Highway Safety**

The Council's UDP sets maximum car parking standards and as such there is no minimum. The proposed provision would allow for eight off-street parking spaces at the front of the site, utilising the existing vehicular crossover from Weymouth Walk thereby providing 2 spaces for each unit. This would broadly comply with the standard of 1.8 spaces per dwelling, and is considered to be acceptable given the size of the proposed houses.

## **4) Accessibility**

The proposed development allows for a disabled parking space for use by each dwellinghouse in line with Lifetime Homes standards.

The proposed layout of the ground floor of each of the dwellinghouses as shown on the submitted plans would meet the requirements of the Accessible Homes SPD, with the possibility for future adaptations allowing access to the first floor via a ceiling lift. Level entrances are shown on the submitted plans. The dwellinghouses are therefore considered to comply with the requirements of the SPD and so are acceptable in this regard.

**5) S17 Crime & Disorder Act**

The proposal is considered not to have any detrimental impacts with respect to this legislation.

**6) Consultation Responses:**

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

- *Existing foliage fronting the site (not shown on the plans) should remain or be added to, contributes to the suburban character of road – Conditions suggested in line with comments from the Council's Arboricultural Officer will ensure tree protection and the submission of a scheme detailing soft and hard landscaping in the site frontage.*
- *Local traffic is in excess of the road capability, congestion around Stanmore in rush hour is some of the worst in NW London, building even more homes on what is already an overburdened road system is not sensible, local residents suffer and have had enough development in the area that makes traffic intolerable; Insufficient provision of car parking, would result in parking along Weymouth Walk to the detriment of road safety and access to properties, there is room for 10 parking spaces in the frontage, turning area not adequate within the site and will result in cars reversing into Weymouth Walk, opening at the front of the site onto Weymouth Walk should be retained as existing – Additional hard surfacing on the frontage to provide more car parking spaces and a larger turning area would be detrimental to the character and appearance of the area and exceed the maximum car parking standard. There are no objections to the impact of the development on parking, traffic and highway safety in the area from the Council's Highways Officer.*
- *Drawings do not detail refuse and cycle storage, refuse storage should be located on the frontage adjacent to Gordon Avenue, refuse bins should not be stored in the frontage adjacent to neighbouring property at No.53C as would smell and be unsightly – The site plan shows small hardsurfaced areas in each rear garden to provide refuse and cycle storage. This siting is considered acceptable in terms of impact upon the character and appearance of the area and neighbouring amenity and a suggested condition requires the storage of refuse bins in this designated area.*
- *No objection to rooflights but concerned about overlooking from windows opposite No.53C – No flank windows are proposed facing No.53C, only three rooflights.*
- *The following are issues not material planning considerations in relation to this application: demolition of the existing property could lead to structural damage of properties in Weymouth Walk, structural reports before and after development should be carried out with any associated damage being rectified by the developer, should be a planning condition; Use and construction of the site will lead to damage of Weymouth Walk which should subsequently be resurfaced.*

## **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.

## **CONDITIONS**

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

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

2 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To 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 site coverage and size of building in relation to the size of the plot and the availability of amenity space, and to preserve the appearance of the building.

4 No demolition or site works in connection with the development hereby permitted shall commence before the boundaries of the site are enclosed by a security 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 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed before the building is 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.

6 The development hereby permitted shall not be occupied until the car parking and turning area shown on the approved plans have been constructed and surfaced with impervious materials, and 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 the proposed parking spaces shall be used only for the parking of private motor vehicles in connection with the development hereby permitted and for no other purpose.

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

7 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. 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.

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

9 The development hereby permitted shall not commence until there has been submitted to, and approved in writing by, the local planning authority, a Tree Protection Plan and an Arboricultural Method Statement. The erection of staked fencing for the protection of any retained trees shall be undertaken in accordance with the details submitted in the Tree Protection Plan before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be retained 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.

10 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.

11 Development shall not commence until details of on site drainage works have been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the on site drainage works referred to above have been completed.

REASON: To allow consultation between all sewerage and drainage authorities and also ensure sustainable impact upon the sewerage and drainage asset.

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 hereby permitted shall be built to the Lifetime Home Standards shown on the approved drawings 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.

14 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.

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

### **2 INFORMATIVE:**

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

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

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

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

Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### **3 INFORMATIVE:**

**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.

Item 2/15 : P/0130/09/ML1/E continued/...

- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: TS06-131A\1; P.01, 02 Rev.C, 03 Rev.D, 04; Design and Access Statement

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**224 HIGH ROAD, HARROW WEALD**

**Item: 2/16**

**P/0258/09/RH/MAJ**

Ward WEALDSTONE

PART TWO AND PART THREE STOREY BUILDING COMPRISING EIGHT FLATS WITH ASSOCIATED CAR PARKING; LANDSCAPING AND WIDENING OF VEHICLE ACCESS TO HIGH ROAD

**Applicant:** Mr Mani Khiroya

**Agent:** Markland Klaschka Limited

**Statutory Expiry Date:** | 07-APR-09

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## **RECOMMENDATION**

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

### **REASON**

The proposed development would contribute to the housing provision in the borough and provide an acceptable form of accommodation for future occupiers of the site. The design and appearance of the proposed building would provide a high quality development that would be in keeping with the scale and appearance of the surrounding development. The development would not result in harm to the highway network of pedestrian safety. The proposed building is positioned a sufficient distance from neighbouring properties not result in detriment to the existing levels of amenity.

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:

### **National Planning Policy:**

PPS1 Delivering Sustainable Development

### **London Plan:**

3A.4 Efficient Use of Stock,  
3A.2 The spatial strategy for development,  
3A.3 Maximising the potential of sites,  
3A.5 Housing choice,  
3A.6 Quality of new housing development,  
3A.17 Addressing the needs of London's diverse population ,  
4A.1 Tackling climate change  
4A.2 Mitigating climate changes,  
4A.7 Renewable Energy,  
4A.8 Hydrogen Economy,  
4A.9 Adaptation to Climate Change,  
4A.10 Overheating,  
4A.12 Flooding,  
4B.1 Design Principles for a compact city,  
4B.5 Creating an inclusive environment

**Harrow Unitary Development Plan:**

T6 The transport Impact of Proposals

T11 Cycle and Motor Cycle Parking in Public Spaces

T13 Parking Standards

D4 The standard of Design and Layout,

D5 New Residential Development – Amenity Space and Privacy

D9 Street side Greenness and Forecourt Greenery

D10 Trees and New Development

EP25 Noise

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

Supplementary Planning Guidance: Designing New Development (March 2003)

Accessible Homes Supplementary Planning Document (April 2006)

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Principle of Development
- 2) Design and Character (4A.2, 4B.1 & D4, D5, D9)
- 3) Residential Amenity (D4, D5, EP16, EP25)
- 4) Parking & Highway Safety (T6, T13)
- 5) Housing Provision & Density (3A.1, 3A.2, 3A.3, 3A.5, 3A.6)
- 6) Accessible Homes (3A.5, 3A.17, 4B.5)
- 7) S17 Crime & Disorder Act (C12)
- 8) Sustainability (4A.7, 4A.8, 4A.9, 4A.10)
- 9) Consultation Responses

**INFORMATION**

**a) Summary**

|                        |                     |    |
|------------------------|---------------------|----|
| Statutory Return Type: | Small scale major   |    |
| Site Area              | 0.09 ha             |    |
| Density:               | 88U/ha and 222hr/ha |    |
| Car Parking            | Standard            | 10 |
|                        | Justified           | 9  |
|                        | Provided            | 9  |
| Council Interest:      | None                |    |

**b) Site Description**

- Vacant site located on the eastern side of the High Road, Wealdstone
- Original vacant 2-storey detached dwelling has been demolished and removed from site
- Rear boundary adjacent to Newton Road
- Site recently cleared of overgrown vegetation, with remnant trees scattered over the site
- Access from existing crossover on the High Road
- Character of area is predominantly residential with a mix of two storey dwelling units along eastern side of High Road, with retail shops and four storey apartments to the western side of High Road

- Site benefits from extant planning permission P/1570/07/CFU for Demolition of existing house and erection of part 2 and part 3 storey building comprising of 7 flats; with associated car parking, landscaping and widening of vehicle access to high road.

**c) Proposal Details**

- Construction of part two and part three storey building to provide 8 flats containing, 2 x 3bed, 2x 2bed, 3 x 1bedroom units and a studio unit,
- Siting contains a staggered building line between adjoining terraces and apartments on High Road,
- Useable amenity space to the rear is approximately 376m<sup>2</sup>
- The existing vehicular entrance on the High Road would be widened to 4.8m
- 9 car parking spaces including 1 designated disabled car user parking bay proposed at the rear of site at ground floor level next to the building entrance
- Proposal would result in a small number of low quality trees being removed from the site
- The application is based on the building envelope of the extant approval, with reconfiguration of the internal layout and alterations to the detailing of external facade.

**Revisions to Previous Application:**

- The proposed application for the most part is the same as the earlier refusal P/2673/08 the main differences are listed below:
- Refused scheme P/2673/08 also proposed 9 flats comprising, 1 x 3 bed, 4 x 2 bed, 3 x 1 bedroom units and a studio unit, in 4-storey staggered block of flat, two additional flats from the approved P/1570/07/CFU that proposed 1 x 3 bed, 4 x 2 bed, and 2 x 1 bedroom units,
- Additional windows are proposed in the front and side elevations to break up with elevation.
- A comparison between the approved application P/1570/07/CFU and the current scheme is provided below.
- The detailed design and materials of the approved scheme has been amended slightly from the earlier refusal however both schemes propose increased areas of solid and panelling to the approved scheme P/1570/07/CFU.
- The balconies from the first and second level flats fronting the High Road are to be removed.
- Parking layout extended to provide an additional car parking space,
- The balconies to the flats located within the eastern most element of the new building have been increased in depth and reduced in width to provide a 1.5m deep by 4.5m long balcony space.
- The bin stores have been relocated from the front of the site to the rear of the new building along the eastern elevation of the ground floor element of the building.
- The internal layout and floor area of the approved flats have been reduced and altered to accommodate the two additional units within the scheme.

- The three bedroom, family sized, unit would be relocated from the ground floor location of the approved scheme to the first floor.

**d) Relevant History**

|               |  |                      |
|---------------|--|----------------------|
| P/2536/04/CFU | Outline Development: Detached Two Storey Building to Provide 6 Flats with Access and Parking | REFUSED<br>21-APR-05 |
|---------------|--|----------------------|

**Reason for Refusal:**

1. The proposed development, be reason of excessive site coverage of building and hard surfacing, lack of space around the building and the potential threat to trees would amount to an over development of the site to the detriment of the character and appearance of the area and residential amenity

|               |  |   |
|---------------|--|---|
| P/1319/06/CFU | Demolition of existing house and erection of part 2, 3 & 4 storey building comprising of 8 flats, associated parking, and widening of vehicle access | REFUSED<br>06-JUL-06<br>APPEAL<br>DISMISSED |
|---------------|--|---|

**Reasons for Refusal:**

1. The proposed development, by reason of excessive size, height, bulk and unsatisfactory design, would be visually obtrusive and overbearing, would not respect the scale, massing and form of the adjacent properties, and would give rise to actual and perceived overlooking and overshadowing of adjacent properties. It would therefore be detrimental to the visual and residential amenity of adjoining properties, the appearance of the street scene and the character and appearance of the locality.

2. The proposed building by reason of prominent siting and site layout, would be unduly obtrusive in the street scene and would not provide a satisfactory relationship with adjoining buildings and spaces to the detriment of the character, landscape and townscape of the locality.

3. The proposed windows/ balconies in the rear elevation would allow overlooking of the adjoining properties along Newton Road and result in an unreasonable loss of privacy to the occupiers.

4. The proposed intensification of the parking area to the rear of the site by reason of unsatisfactory siting in relation to the neighbouring residential properties and associated disturbance and general activity would be unduly obtrusive and detrimental to the visual and residential amenities of those properties and the character of the area.

5. The proposed development by reason of unsatisfactory design and layout would have poor physical and visual links between the flats and the rear garden thus providing an inadequate standard of amenity for future occupants thereof.

6. The proposal would represent over development of the site, by reason of excessive density and inadequate amenity space, to the detriment of neighbouring residential amenity in the surrounding area.

7. The proposal would result in the unacceptable loss of trees of significant amenity value and vegetation, which, in the opinion of the local planning authority, would be detrimental to the character, and appearance of the locality.

|               |  |                       |
|---------------|--|-----------------------|
| P/1570/07/CFU | Demolition of existing house and erection of part 2 and part 3 storey building comprising of 7 flats; with associated car parking, landscaping and widening of vehicle access to high road | APPROVED<br>18-OCT-07 |
| P/2673/08     | Construction of part two and part three storey building to provide nine flats; with associated car parking, landscaping and widening of vehicle access to high road                        | REFUSED<br>06-OCT-08  |

**Reason for Refusal:**

1. The proposed development, by reason of poor window proportions, poor solid to void relationship, long frontage elevation, incorporation of elements that do not harmonise within the front elevation and poorly related flat roof, results in an unresolved, bland and bulky appearance that would fail to provide the high standard of design necessary for new development, and a building that would be overly dominant on, and detrimental to, the existing character and appearance of, the local street scene, contrary to policies D4 and D5 of the Harrow Unitary Development Plan 2004, policy 4B.1 of The London Plan 2008, and Supplementary Planning Guidance Designing New Development (March 2003).

2. The proposed development represents an overdevelopment of the site by reason of the concentration of small units, poor internal layout, awkward room shape and configuration, failure to meet lifetime homes standard, inadequate provision of usable external amenity space, actual and perceived overlooking to rear garden and first floor elevation of the Newton Road properties (adjoin site south east corner) and overlooking of the ground floor unit (No. 2), resulting in an over intensive use of the site, compromised living conditions for future occupiers and detriment to the occupiers of neighbouring properties, contrary to London Plan polices 3A.3, 3A.5, 3A.6 and policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance Designing New Development (March 2003).

3. The application fails to provide onsite renewable energy generation to address 20% of the total energy demand of the development and therefore is considered to be an unsustainable form of development, contrary to policy 4A.1, 4A.7, 4B.1 of The London Plan 2004 and policy D4 of the Harrow Unitary Development Plan.

**e) Applicant's Statement**

- Principle differences are that the two flats at the front of the site have been split into 4 smaller units to provide 8 units.
- The proposal lies on or within the previous building line.
- The massing and fenestration is broadly identical to previous proposals, although some changes have been made to the balcony arrangements and the rear elevation.
- The revised scheme provides better accessibility than the previous scheme, with well organised accessible routes from all of the amenities and facilities on the site.
- The development equates to density of 214 habitable rooms per hectare. 8 dwelling proposed, 2 no. three bedroom unit, 2 no. two bedroom and 3 no. one bedroom and a studio flat.



## **2) Design and Character**

While the proposed scheme seeks to retain the same building footprint, scale and height as the approved scheme, the application proposes a number of changes to what are considered to be key design elements of the building.

Explanatory paragraph 4.10 of Policy D4 Harrow Unitary Development Plan 2004 (HUDP) states that 'development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces. Policy D4 explanatory paragraph 4.11 of the, 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 surrounding built locality is characterised by a variety of building types. In the immediate context however, are two-storey terraced houses to the south and a two storey flat roofed block of flats to the north. Behind the site are two-storey terraced properties.

The approved scheme was considered to provide a high quality design that added visual interest to the locality, fit comfortably with neighbouring properties and within the street scene. The projecting balconies, solid-to-void ratio, high quality materials and window frames were key features in the overall design of the modern building.

The refused scheme P/2673/08 was considered to result in an unresolved, bland and bulky building that would be overly dominant on, and detrimental to, the existing character and appearance of, the local street by reason of the poor window proportions, solid to void relationship and poorly detailed roof design.

The current application has sort to overcome the previous reason for refusal through the reinstatement of windows to the front elevation, a number of larger windows in the front and rear elevations and the use of render and metal panels to break up the elevation of the buildings and the roof form.

The detailed design of the proposed development is considered to provide an acceptable form of development that would respect the built form and massing of the surrounding properties within the locality in accordance with policy D4 of the Harrow Unitary Development Plan.

The detailed design of the cycle store has been amended so that it is more in keeping with the proposed building. Timber trellis is proposed around the northern side elevation of the structure separating the car parking and cycle store from the amenity area.

## **3) Residential Amenity**

Policy D5 of the Harrow Unitary Development Plan 2004 seeks to ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded.

The reconfiguration of the development to accommodate the one additional flat would provide smaller units with an average floor space of 35sqm for the 1 bedroom flats and 50sqm for the 2 bedroom flats. The two three-bedroom flats would have a floor area of approximately 65sqm and the studio 35sqm. The potential layout of the studio unit has been illustrated on the submitted drawings showing the living area and kitchen would occupy the larger rectangular area of the unit and the bathroom would be located within the southern end of the unit. While notably smaller in size than the approved 7 unit scheme all units would comply with Harrow Council's informal guidance for minimum floor area and room sizes for new build self contained flats. The units would also benefit from adequate outlook and natural daylight.

As the building footprint, height and location was approved as part of planning permission P/1570/07/CFU the only concern regarding impact on neighbouring properties is increased overlooking and loss of privacy as a result of the reconfiguration of the internal layout of the block of flats.

The first and second floor windows in the south eastern corner of block that serve flats 4 (bathroom window) and 7 (secondary window living room) that overlook the rear of the nos. 12 and 14 Newton Road are to be obscurely glazed to limit actual and perceived overlooking of to the rear of properties the Newton Road properties. The obscure glazing of these windows is consistent with the approved scheme. The remaining windows are of a sufficient distance not to result in an acceptable level of overlooking to properties along Newton Road. Accordingly, it is not considered that the proposed development would be harmful to the living conditions currently enjoyed by neighbouring properties in accordance with policy D5 of the Harrow Unitary Development Plan.

An objection has been received regarding loss of light to the back gardens of neighbouring properties. As advised above the building footprint, height and siting was secured in the extant permission P/1570/07/CFU. It was considered that the staggered design of the building and the separation to the southern site boundary was sufficient not to result in an acceptable loss of light to the rear of neighbouring properties accordingly this aspect of the development is considered acceptable.

The approved scheme P/1570/07/CFU provided a total of 449m<sup>2</sup> of amenity space including a private garden of 50m<sup>2</sup> for the three bedroom ground floor flat and private amenity space of 36.5m<sup>2</sup> in the form of three balconies and two roof terraces.

A total area of 376 m<sup>2</sup> of amenity space is proposed for the development. The reduction of amenity space in the current application arises from the increase to the car parking area and the repositioning of the cycle store. The layout has been amended from the refused scheme P/2673/08 to provide private outdoor amenity area for five of the units. This is provided in the form of a private garden area (32sqm) for the three bedroom ground floor flat. At first floor level the one-bedroom unit (flat 2) and three bedroom unit (flat 5) would have access to private balconies of 4sqm and 7sqm respectively.

The two 2.-bedroom flats (nos. 6 and 8) on the second floor would have access to private balconies of 14.6sqm and 8sqm respectively. The remainder of the amenity space would be provided as a 346m<sup>2</sup> communal garden area at the rear of the site this equates to approximately 49sqm of outdoor amenity space is proposed for each of the 7 flats (not including ground floor unit with private garden (32sqm). This provision is considered acceptable for the proposed units and accords with the policy requirements of D5 of the Harrow Unitary Development Plan.

A 1.8m high trellis and hedge has been included as part of the landscaping scheme to provide physical separation to undercroft car parking area whilst forming part of the amenity area for the development.

#### **4) Parking & Highway Safety**

The Design and Access Statement submitted with the application states the existing vehicular access is to be widened to 4.8m this is consistent with the extant approval.

Nine parking spaces are proposed including one disabled bay. Cycle storage is provided for 9 bikes at the front of the site. Access to the site would be controlled by an electronic gate. The proposed parking provision of 9 spaces would provide 1 space per dwelling and one disabled bay and would be within the maximum parking standards for a development of 10 spaces in accordance with policy T6 of the HUDP 2004.

An objection was received regarding the traffic congestion, highway safety, the proposed site access and on street parking demand as a result of the development.

The site access and traffic generation for approved seven units planning ref: P/1570/07/CFU was considered to be acceptable in terms of the impact on the traffic flow in the locality, pedestrian safety, access into the site and parking provision for the approved scheme. No changes are proposed to the site access as part of this application. The Council's Transport Engineer has commented on the application and objection and advised that traffic from an additional unit would not be harmful to either traffic congestion, highway safety or on street parking demand. The proposed parking provision is within the Harrow's parking standards. Accordingly, this aspect of the development is considered acceptable.

The proposed provision of cycle parking is supported in principle as it promotes alternative transport modes other than the car, however further information would need to be submitted to demonstrate that the cycle store is secure.

#### **5) Housing Provision and Density**

Policy 3A.3 and Table 3A.2 of the London Plan 2008 provide guidance on the suitable range of density for new residential development, based on the accessibility to public transport and services of the site and the surrounding character of development.

The proposed 8 units would provide a total of 21 habitable rooms. This resulting residential density of 88U/ha and 233hr/ha would fall within the density guidance of 50-95U/ha and 150-250hr/ha specified in the London Plan for a suburban area with a PTAL rating of 2.

**6) Accessible Homes**

The Design and Access Statement submitted with the application states that advice has been sought for a number of different sources and that the development has been designed in accordance with Part M of the Building Regulations and Harrow Councils accessibility guidance.

The development for the most part appears to comply with Council's Supplementary Planning Document Accessible Homes however a condition is recommended to ensure compliance with the SPD.

**7) S17 Crime & Disorder Act**

Policy D4 of the Harrow Unitary Development Plan 2004 advises crime prevention should be integral to the initial design process of a scheme. In particular buildings should be orientated to provide natural surveillance, roads, footpaths should be well lit and direct, with good visibility, and there should be no unobserved access to the rear of buildings.

The alterations to the scheme proposed by this application do not raise any new crime issues.

**8) Sustainability**

In accordance with policies 4A.7, 4A.8, 4A.9, 4A.10 of The London Plan 2008, onsite renewable energy generation is required to address 20% of the energy demands of the proposed development. While this was not a material consideration for the earlier approval due to the adoption of the revised policies, all new development is required achieve a reduction in carbon dioxide emissions from onsite renewable energy generation unless it can be demonstrated that such provision is not feasible.

The Energy Assessment submitted with the application concludes that the proposed energy saving measures would reduce carbon dioxide emission of the proposed development by 11%, but that it was not technically viable to incorporate renewable technologies within the scheme. Further information is required to support this statement accordingly a condition is recommended requiring further information is submitted to address the London Plan renewable energy requirements and to ensure that the development achieves a minimum level of 3 for code for sustainable housing.

**9) 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 comments received in response to notification and consultation as set out above: this application is recommended for grant.

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

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.

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

REASON: To safeguard the amenity of neighbouring residents.

4 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 completed 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.

5 No works or development resulting in any change in the approved levels of the site in relation to the adjoining land and highway(s) shall be carried out without the prior permission, in writing, of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, and to ensure a satisfactory appearance, drainage and gradient of access.

6 The development hereby permitted shall not commence 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.

7 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.

8 The obscure windows shown in the eastern elevation at first and second floor level of the approved development shall:

(a) be of purpose-made obscure glass,

(b) be permanently fixed closed below a height of 1.8m above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents.

9 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 schedule 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.

10 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.

11 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.

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

(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.

13 The development hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number D2.11B 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.

14 The development hereby permitted shall not be occupied until visibility is provided to the public highway in accordance with dimensions to be first agreed in writing by the local planning authority. The visibility splays thereby provided shall thereafter be retained in that form.

REASON: To provide a suitable standard of visibility to and from the highway, so that the use of the access does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

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 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.

17 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.

18 The development hereby permitted shall not commence until details of a scheme for generating 20% of the predicted energy requirement of the development from on-site renewable resources has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall thereafter be retained so that it provides the required level of generation.

REASON: To ensure the development meets the basic requirements of London Plan policies 4A.1 and 4A.7.

19 The dwelling(s) shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: To reduce the carbon emissions of the development and create more sustainable homes in accordance with policies 4A.1, 4A.3 and 4A.7 of the London Plan.

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

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

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

#### **INFORMATIVES:**

##### **1 INFORMATIVE:**

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:**

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](http://www.harrow.gov.uk/downloads/AccessforallSPD_06.pdf)

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

##### **3 INFORMATIVE:**

The London Borough of Harrow seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative that is supported by the Home Office Crime Reduction & Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award.

For additional information, please contact the Borough Crime Prevention Design Advisor through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465.

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.

Plan Nos: D1.01, D1.11B, PPS1 Delivering Sustainable Development Design and Access Statement (July 2008) received 10th February 2009; Energy Assessment (19/11/08) received 25th March 2009; D2.11C, D2.12C, D2.13B, D2.14B, D2.15B, D2.21C, D2.22C, D2.23B received 17th June 2006

## SECTION 3 – OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

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**Item: 3/01**  
**LAND AT ROYAL NATIONAL P/0856/09/NR/E**  
**ORTHOPAEDIC HOSPITAL, BROCKLEY**  
**HILL, STANMORE**

Ward CANONS

DETACHED THREE STOREY DWELLING HOUSE WITH BASEMENT, USE OF VINE COTTAGE AS TRIPLE GARAGE, STORE AND RESIDENTIAL UNIT FOR CARETAKER WITH EXTERNAL ALTERATIONS, DEMOLITION OF ALL OTHER BUILDINGS ON THE SITE, ACCESS FROM BROCKLEY HILL

**Applicant:** Mr Paavan Popat  
**Agent:** Preston Bennett Planning  
**Statutory Expiry Date:** | 29-MAY-09

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### RECOMMENDATION

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

1) The proposed development would result in inappropriate development in the Green Belt, contrary to policy EP32 of the Harrow Unitary Development Plan (2004) and PPG2: Green Belts and no very special circumstances have been demonstrated by the applicant whereby the harm to the Green Belt by reason of inappropriateness would be outweighed by other considerations.

2) The proposed new dwelling, by reason of its design, siting and excessive bulk, would be visually prominent and would have an adverse impact on the open character of the land, to the detriment of the character and appearance of the area, the Green Belt and the Area of Special Character, contrary to policies D4, EP31 and EP32 of the Harrow Unitary Development Plan (2004) and PPG2: Green Belts.

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

PPG2 – Green Belts

PPS7 – Sustainable Development in Rural Areas

#### **The London Plan 2008:**

3A.5 – Housing Choice

3D.9 – Green Belt

4A.22 – Spatial Policies for Waste Management

4B.1 – Design Principles for a Compact City

4B.2 – Promoting World Class Architecture and Design

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

SEP5 – Structural Features

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

D12 – Locally Listed Buildings  
D19 – Ancient Monuments  
EP31 – Areas of Special Character  
EP32 – Green Belt – Acceptable Land Uses  
T13 – Parking Standards  
C16 – Access to Buildings and Public Spaces  
Supplementary Planning Guidance: Extensions: A Householder's Guide (2008)  
Supplementary Planning Document: Accessible Homes (2006)

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Principle of Development and Character and Appearance of the Area, the Green Belt and Area of Special Character (SEP5, D4, D9, EP31, EP32, 3D.9, 4A.22, 4B.1, 4B.2, PPG2, PPS7, SPG)
- 2) Residential Amenity (D5, SPG)
- 3) Locally Listed Buildings (D12)
- 4) Scheduled Ancient Monument (D19)
- 5) Trees and New Development (D10)
- 6) Traffic and Parking (T13)
- 7) Accessible Homes (C16, 3A.5, SPD)
- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

**INFORMATION**

This application is reported to the Committee at the request of the Divisional Director of Planning as it raises issues of a significant or controversial nature.

**a) Summary**

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

**b) Site Description**

- Application site comprises 7,050m<sup>2</sup> of land, formerly part of the Royal National Orthopaedic Hospital.
- The site is located within the Metropolitan Green Belt and the Harrow Weald Ridge Area of Special Character.
- The site is currently occupied by 10 single and two storey former hospital buildings, 3 of which are locally listed including Vine Cottage, which is adjacent to Brockley Hill. A locally listed wall also fronts the eastern boundary with Brockley Hill.
- The site has an existing access with crossover onto Brockley Hill, currently disused and gated off.
- Approximately 70% of the site is located within a designated Scheduled Ancient Monument. This is concentrated on the east of the site and comprises the remains of a Romano-British settlement.
- The site slopes down from east to west and this is most apparent in the western part of the site, where fewer buildings area are located.
- The site is subject to an area Tree Preservation Order No.637.

- The site is bound by Brockley Hill to the east, a London Distributor Road.
- The site is partly bound by Brockley Hill House to the north, a residential development of 5 flats.
- To the north, west and south of the site is the Royal National Orthopaedic Hospital, a designated Major Developed Site in the Green Belt.

**c) Proposal Details**

- Three-storey detached five bedroom dwellinghouse, including basement, with guest and staff accommodation.
- The proposed dwelling would be sited in the western portion of the site, outside of the Scheduled Ancient Monument area and would be approximately 80 metres from the front boundary with Brockley Hill.
- The proposed dwelling would occupy a footprint of 520m<sup>2</sup> and would have a height of 7.8 metres at its front elevation and 11.8 metres at its rear elevation, due to the change in levels, with a recessed second floor adding a further 2.0 metres in height.
- The dwelling would be irregular in shape and would be sited 17 metres from the southern boundary, 9 metres from the eastern boundary and 3 metres from the northern boundary of the site.
- It is proposed to demolish all the other buildings on the site, with the exception of Vine Cottage and the locally listed wall fronting Brockley Hill.
- Vine Cottage is to be retained and refurbished for use as a triple garage, groundsman's store and dwelling, ancillary to the proposed new dwelling.
- Following demolition of the remaining buildings on the site, it is proposed to implement a scheme of soft landscaping and tree planting.
- A disused existing vehicular access to Brockley Hill would be re-instated and used as the access to the proposed dwelling.
- Refuse storage would be sited adjacent to the rear (east) boundary, with collection from the hospital service road.

**d) Relevant History**

|           |   |                      |
|-----------|---|----------------------|
| P/0466/08 | Outline: detached two storey dwellinghouse with basement, access from Brockley Hill, demolition of existing buildings | REFUSED<br>11-APR-08 |
|-----------|---|----------------------|

**Reasons for Refusal:**

- 1) The proposed development, by reason of the proposed residential use, siting, excessive bulk and site coverage, would result in an inappropriate form of development in the Green Belt, which would reduce significantly the openness of the land, to the detriment of the character and appearance of the Green Belt and the Area of Special Character, contrary to policies EP31 and EP32 of the Harrow Unitary Development Plan (2004).
- 2) The proposed demolition of three locally listed buildings, in the absence of a justifiable reason for demolition, would be inappropriate and detrimental to the appearance and character of the area, contrary to Policy D12 of the Harrow Unitary Development Plan (2004).
- 3) The proposed access road, by reason of its siting within the Scheduled Ancient Monument area, would result in an inappropriate form of development that would have a potentially detrimental impact on the archaeological remains within the scheduled area, contrary to Policy D19 of the Harrow Unitary Development Plan (2004).

**e) Pre-Application Discussion**

- Advice was sought by the NHS Trust whilst the site was being marketed. A response was given dated the 16<sup>th</sup> January 2006.
- Further advice was sought by the applicants with regard to the principle of constructing a new dwelling on the site. A response was given dated the 5<sup>th</sup> July 2007 (PAT reference: 2462).
- Both responses expressed concerns over any potential redevelopment of the site with regards to Green Belt policy and the impact on the Scheduled Ancient Monument.

**f) Applicant Submissions**

- Design and Access Statement
- Planning Statement
- Heritage Statement
- Arboricultural Assessment
- Archaeological Evaluation
- Sustainability Statement

**g) Consultations:**

|                                     |                      |                   |
|-------------------------------------|----------------------|-------------------|
| <b>Site Notice<br/>(Departure):</b> | Posted:<br>13-MAY-09 | Expiry: 03-JUN-09 |
|-------------------------------------|----------------------|-------------------|

|                                       |                         |                   |
|---------------------------------------|-------------------------|-------------------|
| <b>Advertisement<br/>(Departure):</b> | Published:<br>14-MAY-09 | Expiry: 04-JUN-09 |
|---------------------------------------|-------------------------|-------------------|

|                                  |            |                   |
|----------------------------------|------------|-------------------|
| <b>Notifications:</b><br>Sent: 7 | Replies: 2 | Expiry: 12-MAY-09 |
|----------------------------------|------------|-------------------|

**Summary of Response:**

- No new buildings should be built in the Green Belt
- Concerns about impact on Scheduled Ancient Monument
- Re-instated access could be hazardous
- Would unacceptably add to traffic congestion in the area
- Parking and accommodation is excessive for a private residence
- The design is inappropriate for the area/too modern
- Excessive size and bulk
- House would overlook gardens and private terraces of Brockley Hill House
- Could be used for multiple occupation or as a cultural or religious centre
- Loss of listed buildings
- Loss of trees
- Would detract from the value of neighbouring properties
- Would obscure the views of neighbours

## **APPRAISAL**

### **1) Principle of Development, Character and Appearance of the Green Belt and Area of Special Character**

This application proposes development within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. PPG 2 defines the purpose of Green Belts as:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The government has established the following objectives for the use of land in Green Belts:

- to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interest; and
- to retain land in agricultural, forestry and related uses.

Development Plan policies, within both the London Plan and Harrow UDP, reflect these national policy objectives.

PPG2 confirms that the purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives. Moreover, PPG2 states that there is a general presumption against 'inappropriate development' within Green Belts and that such development should not be approved, except in very special circumstances. The construction of new buildings in the Green Belt is 'inappropriate development' unless it is for the following purposes:

- Agriculture and forestry;
- Essential facilities for outdoor recreation, cemeteries and other uses of land which preserve the openness of the Green Belt;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling of existing villages and affordable housing for local community needs;
- Limited infilling or redevelopment of existing major developed sites.

The proposal scheme, for a new residential dwelling, does not fall within any of the above categories.

PPG2 goes on to state that inappropriate development is, by definition, harmful to the Green Belt and that it is for the applicant to show why permission should be granted. Very special circumstances to justify 'inappropriate development' will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant in their submission has outlined seven considerations, which they propose amount to very special circumstances that justify allowing the inappropriate development proposed. These are considered below:

*Footprint:*

The applicant states that the demolition of seven existing single and two-storey buildings spread across the site would contribute to a beneficial physical and visual enhancement of the site and would improve openness. The Council's existing and proposed footprint and volume calculations are outlined in the table below:

|                | Existing | Proposed | % Over Existing |
|----------------|----------|----------|-----------------|
| Footprint (m2) | 549      | 520      | - 5 %           |
| Volume (m3)    | 2425     | 5854     | + 141 %         |

Notwithstanding the 5% reduction in built footprint on the site, the proposed new dwelling replaces the predominantly low rise floorspace into a single substantial building of three stories. Whilst the existing buildings cover a slightly greater footprint, they maintain the open character of the Green Belt by having adequate separation between them and by being spread over a wider area. The majority of the structures are single-storey and some are lightweight greenhouse structures and it is therefore considered inappropriate to consolidate this built footprint/volume into a new dwelling. The greater prominence of the dwelling within the site, notwithstanding its claimed architectural quality, would harm rather than improve the openness of the Green Belt and its character at this location.

*Established Residential Use:*

The applicant has submitted evidence in the form of Council Tax notices in relation to three of the existing buildings on the site. Given this evidence, the applicant argues that these buildings are residential homes and that the replacement of these buildings with a new dwelling would not be inappropriate per se.

On inspection of the buildings on site, it is clear that they have at some point been in residential use. The Coach House is divided into two flats, East Gate Lodge looks to be arranged as a house in multiple occupation, whilst Vine Cottage seems to be a grounds man's/gardeners lodge and store. However, these three buildings were previously part of the hospital and therefore within the same planning unit as the hospital. They may have a history of residential use, however this residential use was in association with the hospital and not as independent residences. It is common for this kind of accommodation to be assessed separately for Council Tax, rather than included within the Non-Domestic Rating assessment for the hospital.

In the event that the existing residential uses are lawful, PPG2 requires that replacement dwellings need not be inappropriate, providing the new dwelling is not materially larger than the dwelling it replaces. The scale of the replacement dwelling is substantially greater than the existing alleged dwellings and would not, it is considered, satisfy the national or local policy requirements in this respect.

*Major Developed Site:*

The applicant alleges that the site falls within the boundaries of the adjacent Major Developed Site (MDS) of the Royal National Orthopaedic Hospital (RNOH). The applicant points to the RNOH area TPO plan, which pre-dates the subdivision of the application site from hospital. It is considered that it would be inappropriate to use a TPO plan, which was drawn up many years ago and for different purposes, to determine the boundary of the MDS.

No development brief was prepared for the re-development of the hospital. However, the site plan submitted with the outline application for the redevelopment of the hospital clearly excludes the application site, by virtue of the red line. Given that the site no longer forms part of the functional hospital site, it is not clear how redevelopment in isolation to the hospital campus for an alternative use, would support the continued operation of the hospital or amount to very special circumstances.

*Design and The PPS7 Test:*

It is argued by the applicant that the proposed dwelling would be of such exceptional and innovative design, that this would justify a departure from Green Belt policy. Paragraph 11 of PPS7 states that 'very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission'. It goes on to state that 'such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment'.

The applicant points to two appeal decisions in support of their case, the most relevant of these being the Mapperley Plains case example, which relates to a site on the urban fringe and in the Green Belt near Nottingham. This appeal for a disproportionately large replacement dwelling was allowed on the basis that the exceptional and innovative design was proposed.

The fundamental purpose of Green Belt policy is outlined above. The applicant's design and access statement states that the building would be seen as a sculptural object in the landscape. The proposed design would be based around three axes and would adopt a 'crystalline' form. The dwelling would be three stories in height (the second floor being recessed), although a large basement is proposed which, given the slope of the western part of the site, would result in the dwelling appearing to have four stories when viewed from the rear. Given the siting within the application site, this is also the part of the building that would be most visible from outside the site, as it would face the service road to the hospital.

PPS7 provides for a special justification for granting planning permission for the 'exceptional quality and innovative nature of the design of a proposed, isolated new house' (paragraph 11) as an exception to the normal presumption against development in the open countryside. The aim of Green Belt policy is different. Whilst the proposed design of the dwelling incorporates design components reflective of contemporary styles and building technologies, the application fails to illustrate how these elements combine to represent a building of exceptional architectural and design quality, such that it should outweigh the aims of Green Belt policy. Instead, the design introduces a prominent and bulky new building into the locality that would undermine the openness of the Green Belt at this point. Reference has been made to the incorporation of sustainable design features (also discussed below) such as green roofs, rainwater harvesting systems and ground source heat pumps.

*Sustainable Design and Construction:*

The applicant contests that the sustainability features incorporated into the design and the achievement of Code for Sustainable Homes Level 4 can be considered as a very special circumstance. However, Code Level 4 of the Code for Sustainable Homes represents a national target for 2012 onwards for all new homes and therefore, it is not considered to represent exceptional sustainable technologies.

*Safeguarding the Scheduled Ancient Monument (SAM) and Archaeology:*

The applicant argues that they have demonstrated that the proposed new dwelling would not impinge on the archaeological interest of the site and that the provision of the new use would encourage stewardship of the SAM. However, positioning the building outside of the scheduled area would be a requirement of any application to develop the site, rather than a benefit arising from the proposal. Stewardship and maintenance of the land in a satisfactory state would also be a requirement and it is therefore considered that this is not a very special circumstance.

*Landscape Restoration, Protection and Enhancement of Openness of Green Belt:*

A detailed arboricultural assessment and landscape restoration masterplan has been submitted as part of the application and it is argued that the proposed landscape improvements to the site constitute a very special circumstance. However, this is not considered to amount the very special circumstances needed to justify the harm caused by the proposal.

The proposed dwelling would be sited in the western corner of the site and although there would be a reduction in overall site coverage, the proposed dwelling would provide an increase in scale, massing and overall bulk of development in comparison with the existing situation, which would detract from the open character of the western part of the site. In summary, it is considered that material harm to the open character of this part of the Green Belt would occur as a result of the proposal and the proposal is therefore considered to be unacceptable in this regard and contrary to policy EP32 and PPG2.

UDP policy EP31 states that the Council will ensure that redevelopment schemes within an Area of Special Character preserve or improve the character and appearance of the area. Visually, the proposed dwelling would impose a significant visual presence on the application site by reason of its excessive bulk and prominent siting in relation to public viewpoints from the hospital, thereby adversely affecting the character of the Harrow Weald Ridge Area of Special Character. It is therefore considered that the proposed dwelling, by reason of its size and siting, would also harm the character and appearance of the Area of Special Character, contrary to policy EP31.

In summary, the combined weight of the numerous considerations put forward by the applicant is not considered to be sufficient to constitute very special circumstances overriding the presumption against inappropriate development in the Green Belt. In carrying out a balancing exercise, weighing against the harm, by reason of inappropriateness and any other harm, other circumstances put forward by the applicant, do not amount to very special circumstances.

As discussed above, a landscape restoration plan has been submitted as part of the application, as well as arrangements for refuse storage adjacent to the western boundary of the site. This goes into detail about how new landscaping would be implemented and managed, particularly in relation to the area within the Scheduled Ancient Monument (SAM). These details are considered to be acceptable and it is considered that a condition could be imposed to ensure that details of this landscaping be submitted and approved, were the development otherwise considered acceptable.

It is proposed to retain Vine Cottage, the existing building fronting Brockley Hill, for use as a grounds man's store and dwelling and this is discussed in more detail below under the locally listed buildings section. On inspection of the building, it would appear that it has been used for a similar purpose in the past, probably in connection with the hospital. It is considered that the continued use of this building as an ancillary groundman's store would not be controversial and a condition could be imposed to ensure that this building remained ancillary to the use of the dwelling, were the proposal otherwise considered acceptable.

## **2) Residential Amenity**

The proposed dwelling would be sited a minimum of 65 metres from the nearest part of Brockley Hill House (south west corner) to the north east. The land also falls away from Brockley Hill House towards the area for the proposed dwelling, thereby resulting in a drop in levels of approximately 1.5 metres between the south west corner of Brockley Hill House and the nearest part of the proposed dwelling. Given this separation distance and drop in levels, it is considered that the proposed dwelling would not result in overshadowing or loss of outlook to the occupiers of Brockley Hill House.

Three roof terraces are proposed on the north facing elevation of the dwelling, on the ground, first and second floors. The second floor roof terrace (the highest of the three) would be 7.0 metres above the ground level at the front of the proposed dwelling and therefore given the slope down from Brockley Hill House, would be approximately 5.5 metres above the ground level adjacent to this property. As stated above, there would be a separation distance of 65 metres between the two buildings and approximately 30 metres between the roof terrace and the nearest part of the rear garden of Brockley Hill House during the summer months. There is also a significant amount of mature vegetation along the northern boundary of the site that would screen potential views into the amenity area and habitable rooms of Brockley Hill House. It is acknowledged that these trees are predominantly deciduous and the concerns raised by neighbours that the roof terraces would have potential to overlook the garden area of Brockley Hill House during the winter months are noted. However, it is considered that garden areas, and indeed the roof terraces, are unlikely to be as well used during the winter months and the adverse impact by way of overlooking would therefore be mitigated. In summary, it is considered that the proposed dwelling would not result in undue amenity impacts to the occupiers of the adjacent Brockley Hill House.

The hospital site bounds the south and west of the application property and it is therefore considered that no adverse amenity impacts would occur as a result of the proposal. The comings and goings of vehicles to the hospital adjacent is equally considered unlikely to cause unacceptable disturbance to the future occupiers of the proposed dwelling.

### **3) Locally Listed Buildings**

It is proposed to demolish two of the three locally listed buildings on the site (those numbered 2 and 3 on the existing site survey plan 0509.EX1.001), with Vine Cottage and the locally listed wall fronting Brockley Hill to be retained as a groundsman's store and dwelling. In assessing the previous outline application (ref P/0466/08) in which it was proposed to demolish all three locally listed buildings, objection was raised to the loss of these buildings, in view of the lack of a justifiable reason for demolition. The applicant has now submitted a heritage statement as part of this application.

The applicant's heritage statement concludes that building No.1 (Vine Cottage) should be retained as this fronts the highway and therefore contributes to the streetscene appearance along Brockley Hill. It is concluded that the building Nos.2 and 3 are not of adequate architectural or historical interest to warrant retention and have been the subject of significant recent alterations.

UDP policy D12, relating to locally listed building, states that 'the Council will endeavour to protect these buildings from demolition'. However, it is noted that there is no statutory protection from demolition and consent would therefore not be required to demolish the buildings. The degree of weight to apply to such non-statutory designations when determining a planning application is therefore based on material considerations. Policy D12 sets out criteria for local listing and this includes architectural interest, townscape/group value and historical interest or associations.

In terms of townscape value, it is clear that the most important of the three locally listed buildings is Vine Cottage, given its location abutting Brockley Hill. On inspection of the remaining two buildings, it is clear that they have been the subject of various modern internal and external alterations and that much of the original built fabric has been lost. Given their siting away from Brockley Hill, it is considered that they do not make a contribution to the street scene appearance along this part of Brockley Hill.

It is noted that the retention and refurbishment of Vine Cottage and the locally listed wall along the eastern boundary of the site would be a welcome opportunity to preserve a historic part of Brockley Hill and ensure ongoing maintenance and stewardship of the building. On balance it is considered that the loss of two of the three locally listed buildings would be acceptable in the context of this proposal and the proposal would therefore comply with policy D12 in this respect.

#### **4) Scheduled Ancient Monument**

Approximately 70% of the application site falls within a Scheduled Ancient Monument (SAM). This area is concentrated to the east of the site and comprises the remains of a Romano-British pottery settlement. A significant amount of Roman remains have been uncovered within the scheduled area and also in the unscheduled part of the site and the site is considered to be of national importance in this respect. UDP policy D19 states that 'the Council will safeguard scheduled ancient monuments and other nationally important sites and monuments and preserve and enhance such features and their settings when considering development proposals in the locality'.

The proposed new dwelling would be sited entirely outside of the scheduled area. The application is accompanied by an archaeological evaluation of non-scheduled area. English Heritage considers that, although Roman remains do extend into this part of the site, a great deal of truncation has occurred due to the extensive terracing in the area. Subject to an appropriate condition as suggested by English Heritage, it is considered that the siting of the proposed new dwelling would be acceptable with regard to archaeological concerns.

Within the SAM area, the works proposed include the demolition of the existing buildings on site and the proposed landscaping. From the submitted documents and in consultation with English Heritage, it is clear that Scheduled Ancient Monument Consent has been approved (subject to planning permission being granted). The works within the scheduled area are limited to above ground level, with the existing buildings to be demolished and the proposed landscaping to be implemented directly on top of the built foundations. It is therefore considered that the proposal would not have an adverse impact on this Scheduled Ancient Monument and the proposal therefore complies with policy D19.

**5) Trees and New Development**

The site is covered by an area TPO No.637 and the area adjacent to the proposed building footprint has a number of mature trees. A number of mature trees are located on the rest of the site including a Beech tree adjacent to the proposed access on Brockley Hill. The Council's Tree Officer has indicated that the trees in the area adjacent to the proposed building would not represent a constraint to the proposal, providing they are replaced. The majority of the Category B trees are located within the SAM area, away from the new building and are to be retained as part of the proposal. A list of trees to be lost/replaced and those to be retained, as well as a Method Statement for the mature Beech tree adjacent to the site entrance of Brockley Hill and a Tree Protection Plan for the site in general could be provided by pre-commencement condition if the development were otherwise considered acceptable.

**6) Traffic and Parking**

The proposal would re-instate an existing disused vehicular access from Brockley Hill, through a gateway in the existing locally listed wall. Given that the proposal is for a single dwelling, it is considered that the vehicular access would be adequate and would not give rise to adverse impacts on the safety of pedestrian and vehicular traffic on the highway. It is also considered that the amount of traffic that is likely to be generated from the proposed development would not give rise to highway safety and convenience concerns in the surrounding area.

It is noted that a number of off street parking spaces are provided, including two spaces within the integral garage and three within the garage of Vine Cottage. Although this would be above the maximum provision in the UDP, given the location and the provision of staff accommodation, it is considered that this parking provision would be justified.

**7) Accessible Homes**

The proposal complies with all 16 points of the Lifetime Homes Standards, as is required by London Plan policy 3A.5, policies D4 and C16 of the UDP and adopted Supplementary Planning Guidance: Accessible Homes (2006).

**8) S17 Crime & Disorder Act**

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

**9) Consultation Responses:**

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

- *Parking and accommodation is excessive for a private residence, could be used for multiple occupation or as a cultural or religious centre:* The proposal, as stated on the application forms, is for a private residential dwellinghouse. Use of the property for multiple occupation, or as a cultural or religious centre would require further planning permission. The application proposes staff and guest accommodation, although such accommodation is common in large detached family houses in Stanmore.

- *Would obscure the views of neighbours:* In this context, it should be noted that protection of a view is not a material planning consideration. Consideration of the developments impact upon the outlook and amenities of adjacent properties has however been undertaken above.
- *Would detract from the value of neighbouring properties:* This is not a material planning consideration.

## **CONCLUSION**

For all the reasons considered above, the proposed development would be inappropriate development within the Green Belt and the considerations outlined by the applicant would not, either singularly or collectively amount to the very special circumstances to clearly outweigh the harm to the Green Belt caused by the unacceptable design, siting and excessive bulk of the proposed new dwelling, as required by PPG2 and UDP policy EP32. Accordingly, this application is recommended for refusal.

Plan Nos: 0509.EX0.001; EX1.001; EX1.011; EX1.012; EX1.013; EX1.014;  
EX1.015; PL2.001; PL2.011; PL2.101; PL2.102; PL2.103; PL2.104;  
PL2.105; PL2.201; PL2.202; PL2.203; PL2.204; PL2.301; PL2.302;  
PL2.401; PL2.402; PL2.403; PL2.404; Design and Access Statement;  
Planning Statement; Heritage Statement; Arboricultural Assessment;  
Sustainability Statement; Archaeological Evaluation; Scheduled Ancient  
Monument Consent

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Item: 3/02

**BOTWELL COURT, 118 HEADSTONE P/0763/09/GL/C  
ROAD, HARROW**

Ward GREENHILL

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

**Applicant:** Mr K Sabaratnam

**Statutory Expiry Date:** | 25-JUN-09

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## **RECOMMENDATION**

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

1) The proposal, by reason of an excessive number of velux rooflights both to the front and rear elevations, with regard to the design of the roof, would appear visually obtrusive and would detract from the established pattern and character of the existing development in the vicinity and would have a detrimental effect on the visual amenities of the nearby occupiers, contrary to policy D4 of the Harrow Unitary Development Plan (2004).

2) The two flats, which would be created by the use of the roofspace, would afford substandard accommodation to the detriment of the residential amenities of the future occupiers thereof and, in the absence of easy access to the upper floor and the fact that these flats would be located on the fourth floor, would fail to meet the requirements of Lifetime Homes Standards contrary to policies D4 and C16 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document, Accessible Homes (2006).

### **The London Plan 2008:**

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

3A.2 – Borough Housing Targets

3A.3 – Maximising the Potential of Sites

3A.4 – Efficient Use of Stock

3A.5 – Housing Choice

3A.9 – Affordable Housing Targets

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

3A.11 – Affordable Housing Thresholds

4B.1 – Design Principles for a Compact City

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

Supplementary Planning Guidance: Extensions: A Householder's Guide (2008)

Supplementary Planning Document: Accessible Homes (2006)

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**MAIN CONSIDERATIONS (The London Plan 2008, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Area (4B.1, D4, D5, D9, SPG)
- 2) Residential Amenity, including Lifetime Homes (3A.5, D4, D5, C16, SPD)
- 3) Parking and Highway Safety (T6, T13)
- 4) Housing (3A.1 – 3A.5; 3A.9 – 3A.11)
- 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 <sup>2</sup>                  |
| 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 76m<sup>2</sup> and the other would have a gross floor area of 77m<sup>2</sup>.

**Revisions to Previous Application:**

Following the previous refusal of planning permission (P/3845/08) for the provision of two flats within mansard roof space together with roof lights to front and rear roof slopes, the following amendments have been made:

- The bathroom windows closest to the site boundaries would be obscure glazed
- Justification for roof lights supplied.
- Lift to serve third floor (roofspace) of block proposed.

**d) Relevant History**

|               |   |                       |
|---------------|---|-----------------------|
| P/1832/03/CFU | Redevelopment to provide 12 flats in 3 storey building with access and parking (resident permit restricted)   | GRANTED<br>09-SEP-03  |
| P/3151/06/CDP | Discharge of condition No 2 (materials) pursuant to permission P/1832/03/CFU  | APPROVED<br>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<br>16-JAN-07 |
| P/1317/07/DDP | Discharge of condition no.4 (boundary treatment) pursuant to permission P/1832/03/CFU.  | REFUSED<br>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<br>14-SEP-07  |

**Reason for Refusal:**

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

|               |  |                        |
|---------------|--|------------------------|
| P/3199/07/DFU | Formation of 2 flats within roofspace  | WITHDRAWN<br>21-NOV-07 |
| P/3421/07/CVA | Variation of condition 8 (details of surface water attenuation) of planning permission ref: P/1832/03/CFU)   | GRANTED<br>11-DEC-07   |
| P/3611/07/CVA | Variation & discharge of condition no.6 pursuant to permission P/1832/03/CFU                                 | GRANTED<br>12-DEC-07   |
| P/3357/07/CVA | Variation of condition 4 (details of boundary treatment) required by planning permission ref: P/1832/03/CFU. | GRANTED<br>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) | REFUSED<br>17-JAN-08<br>APPEAL<br>WITHDRAWN |
|---------------|---|---|

**Reasons for Refusal:**

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

|               |  |                      |
|---------------|--|----------------------|
| P/0740/08/CFU | Retention of 3-storey block of 12 flats with alterations to front & rear elevations, parking for two cars and binstore to the front (resident permit restricted) | GRANTED<br>15-MAY-08 |
|---------------|--|----------------------|

|           |   |                      |
|-----------|---|----------------------|
| P/2579/08 | Retention of rear left corner of existing block of 12 flats | GRANTED<br>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<br>28-AUG-08 |
|---------------|--|-----------------------|

|           |  |  |
|-----------|--|--|
| P/3845/08 | Provision of two flats within mansard roof space together with roof lights to front and rear roof slopes | REFUSED<br>27-MAR-09<br>APPEAL<br>LODGED |
|-----------|--|--|

**Reasons for Refusal:**

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

**e) Pre-Application Discussion**

- None

**f) Applicant Submissions**

- 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; proposal would not cause overshadowing or loss of light
- Roof lights on front elevation are set back from front elevation and are not visible from the road and would not cause overlooking; ceiling height of flats would be 2.3m and additional roof lights would be installed for the (internal) dining rooms and bathrooms; provision has been made for a lift.

**g) Consultations:**

**Roxborough Road Residents' Association:** We object to the development on the grounds of inappropriate development, loss of privacy, inadequate room sizes, incremental development

**Notifications:**

Sent: 31

Replies: see below

Expiry: 09-JUN-09

**Summary of Response:**

Objecting to proposal: 2, plus petition with 12 signatures

Supporting Proposal: 5, plus petition with 7 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 have good sizes and have good views; makes better use of space; would provide more homes for first time buyers

## **APPRAISAL**

This is a modified scheme to that refused by Committee on 27 March 2009. It is considered that the applicants have not addressed either reason for refusal.

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

In relation to the first reason for refusal of the previous application, the Council objected to six rooflights in each of the front and rear roof slopes, regarding this as an excessive number.

The current proposal would result in the same arrangement of windows, and therefore this application is recommended for refusal for the same reason.

### **2) Residential Amenity, including Lifetime Homes**

In relation to the second reason for refusal of the previous application, the Council objected to the lack of easy access to the upper floor.

The design of the stairs in this development does not lend itself to the installation of a stairlift, and therefore a lift would be required.

Although the current proposal includes the provision of a lift to serve the top floor of the block, this would be contained within void at the centre of the existing stairwell.

The internal measurements of this void are 1.7m x 0.7m. The Building Regulations require that the minimum size of the internal part of a passenger lift be 1.4m x 1.5m. Therefore, the proposed lift would not be adequate for the required purposes and would not satisfy that requirement of the Lifetime Homes standards.

It is therefore considered that the proposal has failed to overcome the previous second reason for refusal and therefore this application is recommended for refusal for the same reason.

### **3) Parking and Highway Safety**

The development as a whole provides 2 off-street parking spaces. The site is located within a Controlled Parking Zone 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 would have been considered acceptable.

### **4) Housing**

The proposal represents an additional 2 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.

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

As a result of changes to The London Plan, from the 18<sup>th</sup> 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, it is considered that a requirement for the assessment of the suitability of the site to provide affordable housing should be made.

In this instance no affordable housing is proposed. However, a toolkit was submitted in support of the previous application. This toolkit indicated that the provision of affordable housing is not viable on this site. 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**

High building out of character; overshadowing; inappropriate to have fourth floor flats in an area characterised by two-storey buildings; would set precedent of overdevelopment of the area – addressed in Character and Appearance of the Area section of appraisal

Overlooking; flats would be poor quality as they would only have sky lights – addressed in Residential Amenity section of 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 refusal.

Plan Nos: 102.1; 102.2; 105.3; 106.3; 107.3; 116.1; 139.2; 139.3; 154.1; Design and Access Statement

**SECTION 4 – CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

None

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.