



# **PLANNING COMMITTEE**

**WEDNESDAY 14 OCTOBER 2009**

**PLANNING APPLICATIONS RECEIVED**

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**APPLICATIONS**

**WEDNESDAY 14<sup>TH</sup> OCTOBER 2009**

**PLANNING APPLICATIONS RECEIVED**

**SECTION 1 - MAJOR APPLICATIONS**

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

**SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL**

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**PLANNING COMMITTEE**

**WEDNESDAY 14<sup>TH</sup> OCTOBER 2009**

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## SECTION 1 – MAJOR APPLICATIONS

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**Item : 1/01**  
**REPAIR GARAGE REAR OF 65 BRIDGE P/1966/09/SL/MAJ**  
**STREET, PINNER HA5 3HZ**

Ward PINNER

DEMOLITION OF EXISTING DISUSED TIMBER-FRAMED, STEEL-ROOFED BUILDINGS AND REDEVELOPMENT FOR 26 FLATS [13NO. X ONE-BED AND 13NO. X TWO-BED] WITH ASSOCIATED AMENITY SPACE AND TWO DISABLED PARKING SPACES [REVISED APPLICATION TO P/1907/07 ALLOWED ON APPEAL DATED 25 FEBRUARY 2008 INVOLVING INTERNAL LAYOUT ALTERATIONS ONLY].

**Applicant:** LogicPlough Limited  
**Statutory Expiry Date:** 20-OCT-09

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A scheme for 30 flats was allowed on appeal. This application proposes a reduction in the number of units permitted from 30 flats to 26 with only internal layout changes proposed to achieve a better layout and housing mix. There are no external/elevation changes.

The Appeal decision for 30 flats is appended, as is the legal agreement for that scheme. All of the planning conditions in the Inspector's decision apply to this proposal, as do the Heads of Terms of the legal agreement.

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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:** Nine units [34.6%] as intermediate housing, to be managed by a nominated Registered Social Landlord.
  - ii) **Draft Travel Plan:** Prior to commencement of development, the applicant is required to submit to the Council a draft Travel Plan for approval. Prior to first occupation of the development, the Travel Plan has been approved by the Council.
  - iii) **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
  - iv) **Planning Administration Fee:** Payment of £750 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:

### **National Planning Policy**

Planning Policy Statement 1 [Delivering Sustainable Development]

A key aim of national policy contained in PPS1 seeks mixed communities. The Government is committed to developing strong, vibrant and sustainable communities and to promoting community cohesion. This means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens.

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]:**

S1 The Form of Development and Pattern of Land Use

EP25 Noise

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

D10 Trees and New Development

H7 Dwelling Mix

T6 The Transport Impact of Development Proposals

T13 Parking Standards

Harrow's Accessible Homes SPD [Apr 2006]

Harrow's Sustainable Community Strategy [Mar 09]

**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) **Parking and Highway Safety**  
London Borough of Harrow UDP 2004: T6, T13.
- 5) **Accessible Homes**  
The London Plan 2008: 3A.5, 4B.5.
- 6) **S17 Crime & Disorder Act**  
London Borough of Harrow UDP 2004: D4
- 7) **Consultation Responses**

**INFORMATION**

**a) Summary**

Statutory Return Type:	Major Dwellings
Site Area:	0.1131 ha
Car Parking:	Provided      2 disabled
Lifetime Homes	26
Wheelchair Standards	3
Council Interest:	None

**b) Site Description**

- Vacant brownfield site situated to the rear of 65 Bridge Street, Pinner.

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

- Revised application for 26 residential units. The following minor changes to the February 2008 permission allowed on Appeal are sought:
  - Reduction in number of units from 30 to 26 to achieve a better layout and dwelling mix;
  - 13no. x one-bed and 13no. x two-bed [Formerly 25no. x one-bed and 5no. x two-bed].

<b>Appeal Scheme</b>	<b>This Scheme</b>
30 units	26 units
25no. x one-bed	13no. x one-bed
5no. x two-bed	13no. x two-bed
9no. x Intermediate Housing [30%]	9no. x Intermediate Housing [34.6%]

**d) Relevant History**

- Planning application for 30 residential units [P/1907/07] refused planning permission on 11 October 2007.
- P/1907/07 allowed on Appeal on 25 February 2008.

**e) Pre Application Discussion**

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

**f) Applicant Statement**

- None.

**g) Consultations:**

No statutory consultations.

**Site Notice:** Major Dwellings

**Notifications:**

Sent: 78 Replies: 1

**Summary of Responses:**

One representation received objecting to the proposal on the following grounds:

- Intrusive at four storeys; and
- Access to the units on to the road of a busy high street.

**APPRAISAL**

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

The principle of development is established by the planning permission allowed on Appeal.

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

The external design has not changed from the decision allowed on Appeal.

**3) Residential Amenity**

Notwithstanding the representation received, the height of the blocks of flats at four storeys was allowed on Appeal and no changes to the external alterations are proposed. Therefore, the issue of residential amenity is addressed by the Appeal decision.

**4) Housing Provision**

The proposal represents 26 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 13no. x one-bed flats and 13no. x two-bed flats. Accordingly, this is considered acceptable in terms of layout and dwelling mix.

**5) Parking and Highway Safety**

The proposal provides for two disabled car parking spaces. A Residents Travel Plan is recommended as part of a legal agreement, as on the Appeal scheme.

**6) Accessible Homes**

The proposed development would comply 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 26 units would be to Lifetime Homes standards. Furthermore 10% of all units would be built to meet Wheelchair Homes standards.

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

A condition is recommended for approval of Details in respect of a schedule of measures to minimise the risk of crime.

**8) Consultation Responses**

N/A

**CONCLUSION**

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, including 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 [as appended]:

**CONDITIONS**

1 The development hereby permitted shall begin not later than three years from the date of this decision.

2 No taxable occupation of any part of the building hereby approved shall take place until pedestrian safety measures (tactile paving and a guard rail) have been installed at the junction of the access road and the Bridge Street footway, in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The safety measures shall thereafter be retained.

3 No development shall take place within the area of archaeological interest until the applicants, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

4 Prior to commencement of the development hereby permitted, a detailed schedule of measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the appeal site shall be submitted to and approved in writing by the local planning authority.

These details shall include requirements that (i) all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards set out in BS PAS 24-1: 1999 'Security Standards for domestic door sets' and (ii) 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 set out in BS 7950 -'Security Standards for domestic window sets', The works shall be fully implemented prior to first occupation of the development in accordance with the approved details, and shall thereafter be retained.

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

6 No demolition or site works in connection with the development hereby permitted shall commence until the frontage and boundaries of the: site have been" enclosed by a close boarded fence and gates 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.

7 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building, the ground surfacing and the boundary treatment hereby permitted have been: submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

8 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Soft landscape works shall include planting plans and schedules of plants, noting species, plant sizes and proposed numbers/densities.

9 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of two 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 similar size and species, unless the local planning authority gives written approval to any variation.

10 Prior to the first taxable occupation, the building shall be insulated against external noise sources in accordance with the assessment and recommendations of the W.A. Hines & Partners Noise Assessment report dated 30 May 2007.

11 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 purposes. Signs shall be erected indicating that the parking spaces are for disabled parking only and parking shall be restricted to those vehicles displaying a disabled parking permit.

12 Prior to the first taxable occupation of the building, external lighting of the site and the approach from Bridge Street shall be installed in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. The details shall include the amount of lighting measured in lux.

13 Before the development is commenced, details of the levels of the buildings, roads and footpaths in relation to adjoining land and highway and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with such details as approved.

14 Before the development hereby permitted commences, details of the storage and disposal of refuse/waste and the vehicular access thereto shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the works have been completed in accordance with the approved details.

15 No development shall take place until an independently verified Code for Sustainable Homes Report that achieves a Code Level 4 rating or above for each residential unit (in accordance with the Code for Sustainable Homes Technical Guide, March 2007 DCLG) has been submitted to and approved in writing by the local planning authority. Each residential unit shall be constructed in accordance with the Report before it is first occupied.

16 Before the development hereby permitted begins, a detailed investigation of the site shall be undertaken to assess the effect of any residual contamination and the results shall be submitted in writing to the local planning authority. The survey shall be taken at such points and to such depth as the local planning authority may stipulate. If necessary, a scheme for decontamination of the site shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.

17 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.

## **INFORMATIVES**

### **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:

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]:

S1 The Form of Development and Pattern of Land Use

EP25 Noise

D4 The Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

D10 Trees and New Development

H7 Dwelling Mix

T6 The Transport Impact of Development Proposals

T13 Parking Standards

Harrow's Accessible Homes SPD [Apr 2006]

Harrow's Sustainable Community Strategy [Mar 09]

Plan Nos: 3809/210/A, 3809/211/A, 3809/212/A, 3809/213/A, 3809/214/A,  
3809/215, 3809/120, 3809/121/A.

## APPENDIX A



### Appeal Decision

Site visit made on 6 February 2008

by **J S Deakin FRICS**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/31 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email:enquiries@pins.gsi.gov.uk

Decision date:  
23 February 2008

**Appeal Ref: APP/M5450/A/07/2060641**  
**71 Bridge Street, Pinner HA5 3HZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Zed Homes against the decision of the Council of the London Borough of Harrow.
- The application Ref P/1907/07/CFU dated 16 June 2007 was refused by notice dated 11 October 2007.
- The development proposed is demolition of existing disused timber framed, steel roofed buildings and redevelopment for residential (30 units) with associated amenity space and one disabled parking space.

#### Decision

1. I allow the appeal, and grant planning permission for demolition of existing disused timber framed, steel roofed buildings and redevelopment for residential (30 units) with associated amenity space and two disabled parking spaces at 71 Bridge Street, Pinner HA5 3HZ in accordance with the terms of the application, Ref P/1907/07/CFU dated 16 June 2007 and the plans submitted with it, and as subsequently amended, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No taxable occupation of any part of the building hereby approved shall take place until pedestrian safety measures (tactile paving and a guard rail) have been installed at the junction of the access road and the Bridge Street footway, in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The safety measures shall thereafter be retained.
  - 3) No development shall take place within the area of archaeological interest until the applicants, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
  - 4) Prior to commencement of the development hereby permitted, a detailed schedule of measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the appeal site shall be submitted to and approved in writing by the local planning authority. These details shall include requirements that (1) all main entrance door sets to individual dwellings and communal entrance door

sets shall be made secure to standards set out in BS PAS 24-1:1999 – 'Security Standards for domestic door sets' and (ii) 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 set out in BS 7950 – 'Security Standards for domestic window sets'. The works shall be fully implemented prior to first occupation of the development in accordance with the approved details, and shall thereafter be retained.

- 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 6) No demolition or site works in connection with the development hereby permitted shall commence until the frontage and boundaries of the site have been enclosed by a close boarded fence and gates 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.
- 7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building, the ground surfacing and the boundary treatment hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Soft landscape works shall include planting plans and schedules of plants, noting species, plant sizes and proposed numbers/densities.
- 9) 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of two 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 similar size and species, unless the local planning authority gives written approval to any variation.
- 10) Prior to the first taxable occupation, the building shall be insulated against external noise sources in accordance with the assessment and recommendations of the W.A. Hines & Partners Noise Assessment Report dated 30 May 2007.
- 11) 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 purposes. Signs shall be erected indicating that the parking

spaces are for disabled parking only and parking shall be restricted to those vehicles displaying a disabled parking permit.

- 12) Prior to the first taxable occupation of the building, external lighting of the site and the approach from Bridge Street shall be installed in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. The details shall include the amount of lighting measured in lux.
- 13) Before the development is commenced, details of the levels of the buildings, roads and footpaths in relation to adjoining land and highway and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with such details as approved.
- 14) Before the development hereby permitted commences, details of the storage and disposal of refuse/waste and the vehicular access thereto shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the works have been completed in accordance with the approved details.
- 15) No development shall take place until an independently verified Code for Sustainable Homes Report that achieves a Code Level 4 rating or above for each residential unit (in accordance with the Code for Sustainable Homes Technical Guide, March 2007 DCLG) has been submitted to and approved in writing by the local planning authority. Each residential unit shall be constructed in accordance with the Report before it is first occupied.
- 16) Before the development hereby permitted begins, a detailed investigation of the site shall be undertaken to assess the effect of any residual contamination and the results shall be submitted in writing to the local planning authority. The survey shall be taken at such points and to such depth as the local planning authority may stipulate. If necessary, a scheme for decontamination of the site shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.

**Main issues**

2. I consider that the main issues are (i) whether residential development would be compatible with the locality; and (ii) the impact of the surroundings on the living conditions of future residents, with particular regard to the outlook from the flats.

**Preliminary Matters**

3. The appellants have entered into a Unilateral Undertaking, dated 4 February 2008, under section 106 of the Town and Country Planning Act 1990. In brief, the Owner covenants to (i) prepare a Travel Plan and (ii) to provide Affordable Housing Units as part of the development.
4. The original plans showed one disabled parking space but, following discussions with the Council's Planning Officer, revised plans (1528/111RevB) were

insulation would be installed. Subject to this, I consider that the development would comply with UDP Policy EP25.

10. I conclude that the development would not result in an unsatisfactory quality of residential environment and that it would be compatible with the locality. The scheme would comply with UDP Policies D4 and D5, and with PPS3.

*Living Conditions of future residents*

11. Most of the flats would look out over the sunken garden and amenity area. Although facing towards commercial premises behind the Bridge Shops, most of the principal windows would be at least 18m from the site boundary. Flats on the upper floors would have open views over lower buildings whilst ground floor flats would have the benefit of the garden. There would be no habitable room windows facing towards the Post Office and only very limited direct views of the backs of the Bridge Street shops. A few flats would overlook the railway line but there would be long views towards the residential areas to the south west.
12. I consider that the surrounding buildings would not be oppressive or unduly dominating when seen from within the proposed flats. Although views from some of the flats would be towards commercial premises, none of these are particularly unattractive or offensive. In my opinion, the living conditions of future residents would not be significantly harmed by the outlook from the flats. Consequently the scheme would comply with UDP Policy D4 and with PPS3.

*Unilateral Undertaking*

13. UDP Policy H5 requires that affordable housing should be provided in schemes for 15 or more dwellings. The likely minimum percentage of affordable housing to be negotiated on suitable sites should be 30%. The appeal proposal is for nine units which would satisfy this standard. No on-site parking would be provided apart from the two disabled spaces and I consider that it is necessary and reasonable for the developers to prepare a draft Travel Plan for the benefit of future residents.
14. I conclude that the Unilateral Undertaking in respect of both Affordable Housing and a Travel Plan is necessary and relevant to the development, and is fairly and reasonably related in scale and kind to the proposed development. In these respects the Undertaking passes the tests set out in Circular 5/05.

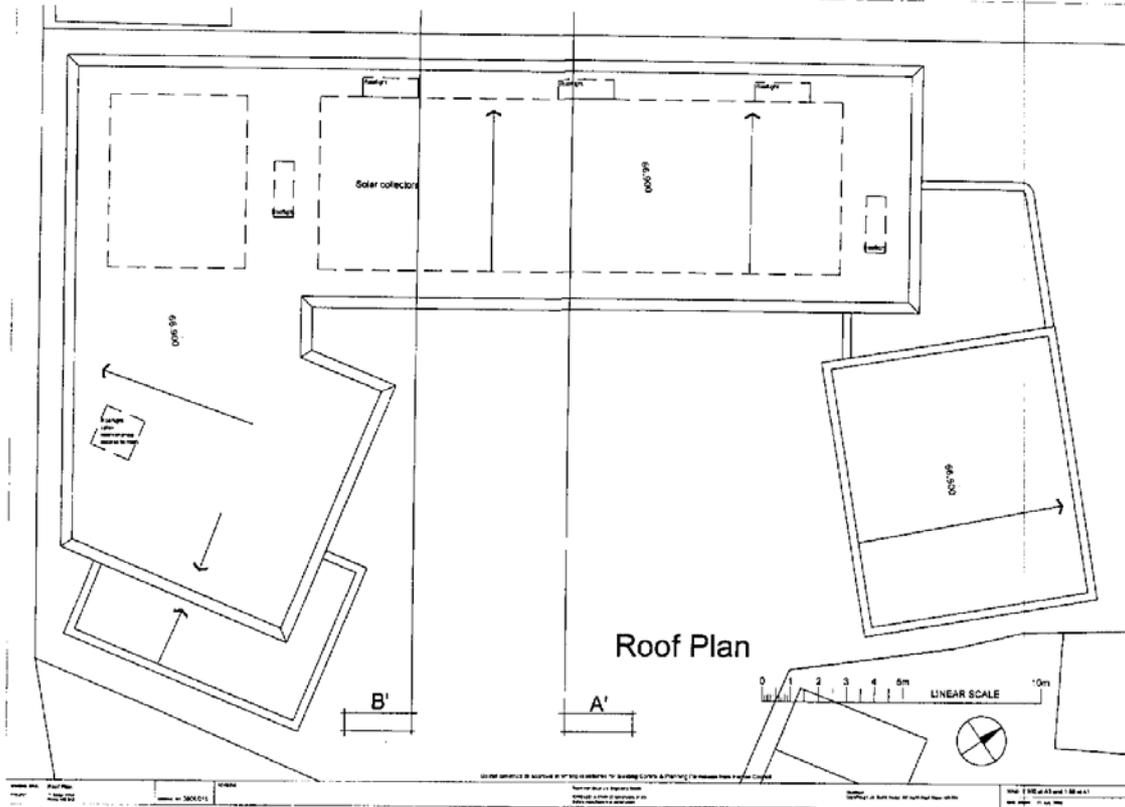
**Conditions**

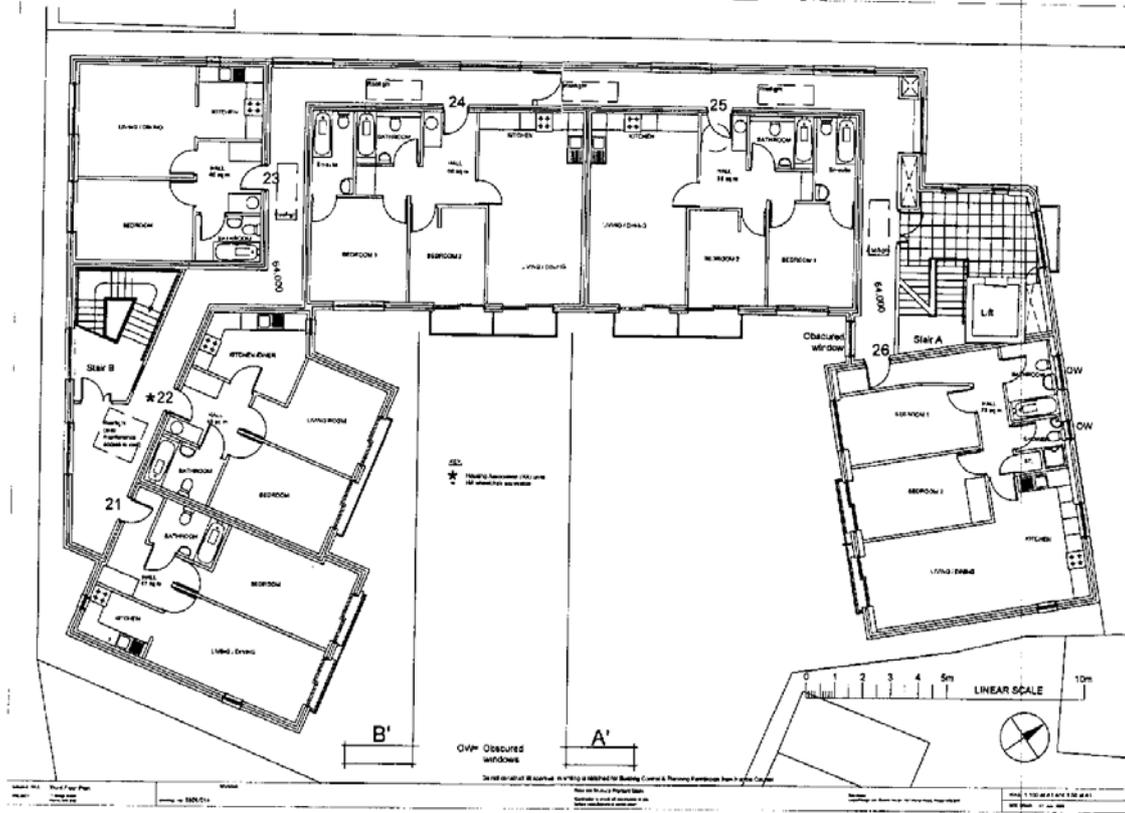
15. The Council has suggested various conditions which should be applied if the appeal is to be allowed. When considering these, I have taken account of advice in Circular 11/95. I use the Council's numbers when referring to these.
16. The Bridge Street footway is on land outside the control of the appellants and I have reworded No.2 as a negative or Grampian condition. This condition is necessary to protect the safety of pedestrians using the Bridge Street footway.
17. I impose a condition to secure the provision of archaeological excavations and subsequent recording of finds in the interest of national and local heritage.

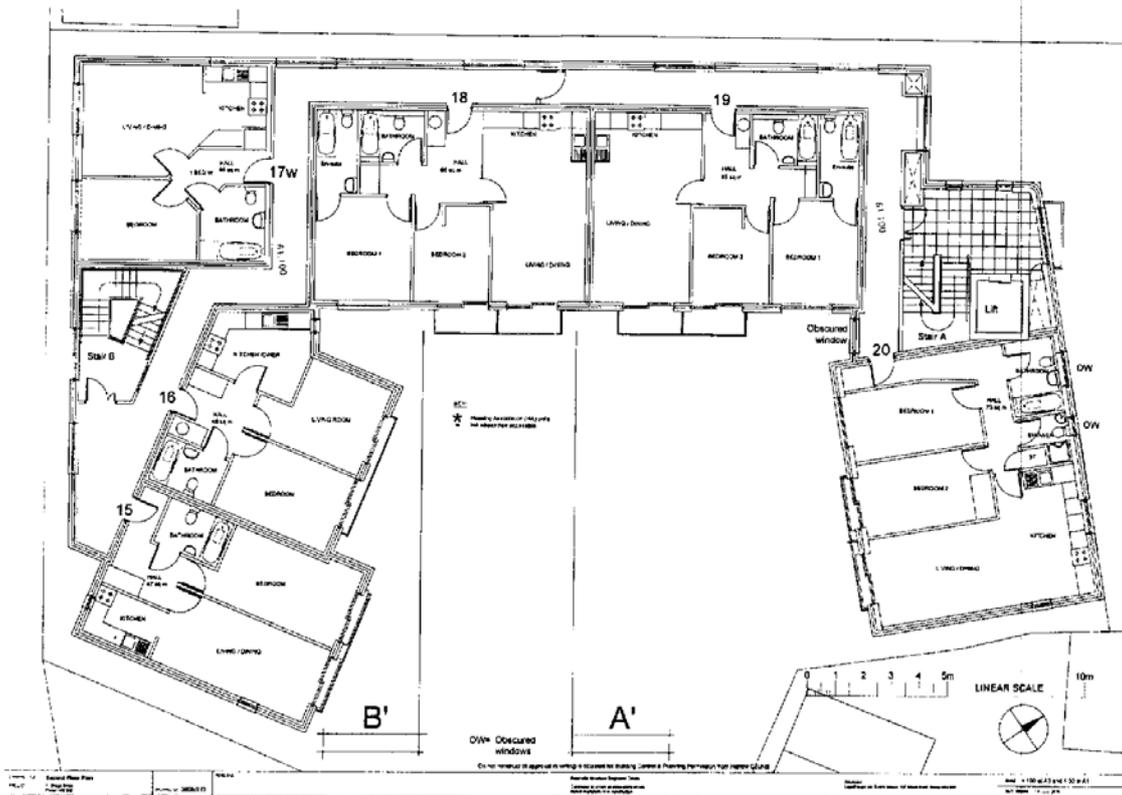
18. I have simplified the requirements of No.4 in line with the suggestions made by the appellants' agents. This condition is necessary in the interests of reducing the risks of crime.
19. I impose conditions (Nos.5-10) relating to boundary treatments; temporary fencing during construction works; prior approval of external materials; landscaping; tree protection; and future management of the landscaped areas. These conditions are necessary to protect the amenities of nearby residents and to safeguard the character and appearance of the area. The agents argue that No.7 is unnecessary as details have already been submitted. However, even if the submitted details are acceptable, it is necessary to have a condition requiring that the development be carried out in accordance with the approved details.
20. I have already discussed the need for noise insulation in accordance with the Hines Assessment and impose a condition to secure this.
21. Parking spaces should be laid out prior to occupation. It is the intention of the parties that these should be used for disabled parking and I have amended the wording to clarify this.
22. The agents suggest that it is unnecessary to include the words 'and approach from Bridge Street' in No.15 (now No.12). In my opinion, it is necessary for lighting to be provided in this narrow and relatively secluded entrance in the interest of public safety. I impose the condition as originally suggested.
23. Details of the levels are required in order that the heights of the buildings and surfaced areas shall be in keeping with the surrounding properties. Information about refuse disposal arrangements is required in the interests of public hygiene and neighbours' amenity. I note the agents' argument that this condition is unnecessary but the same remarks apply as to No.7.
24. I have reworded No.18 (now No.15) to follow the agents' suggestions. I consider that this gives more detail and reflects the importance of the design of Sustainable Homes.
25. The Preliminary Site Investigation Report prepared by Harrison Environmental Consultancy stated that the site was not considered suitable for residential or commercial development without some form of remedial activity. I therefore impose a condition requiring further detailed investigation of possible contamination.
26. In my opinion, it is not necessary to impose Nos.12-14 relating to sewage and surface water as these aspects are covered by other legislation, such as the Building Regulations.

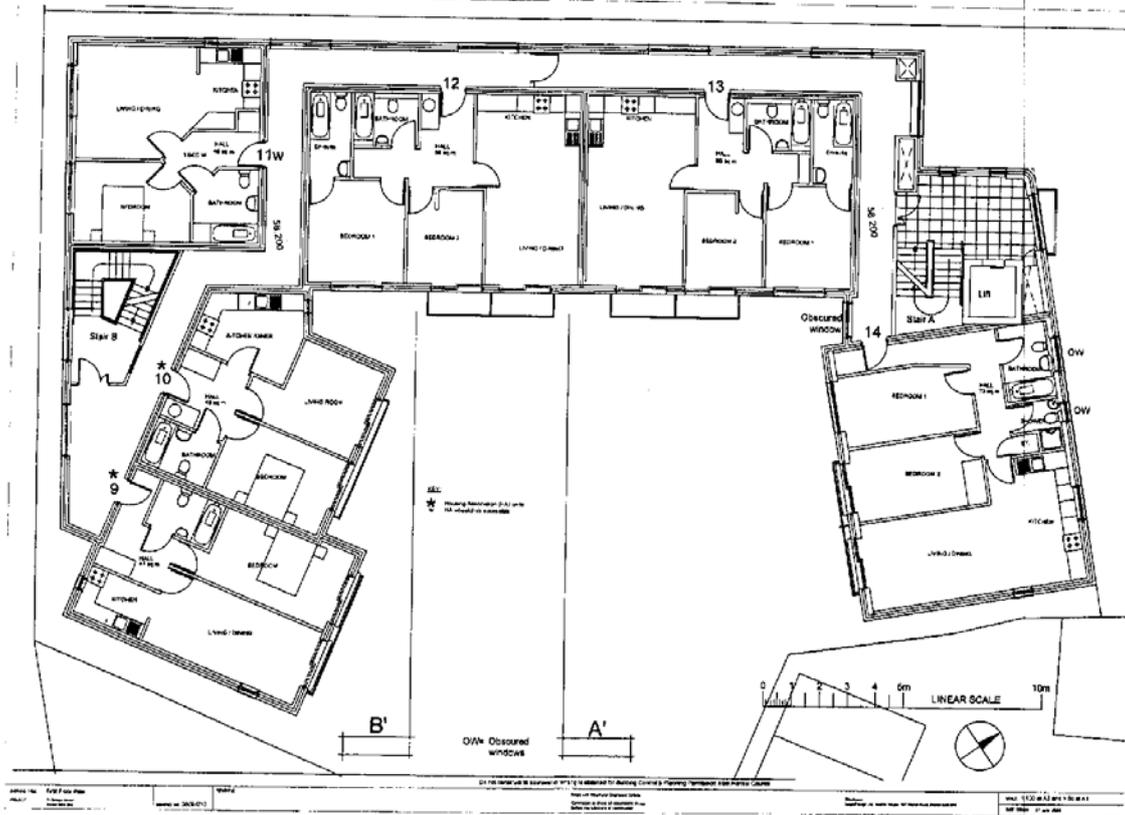
*JS Deakin*

INSPECTOR

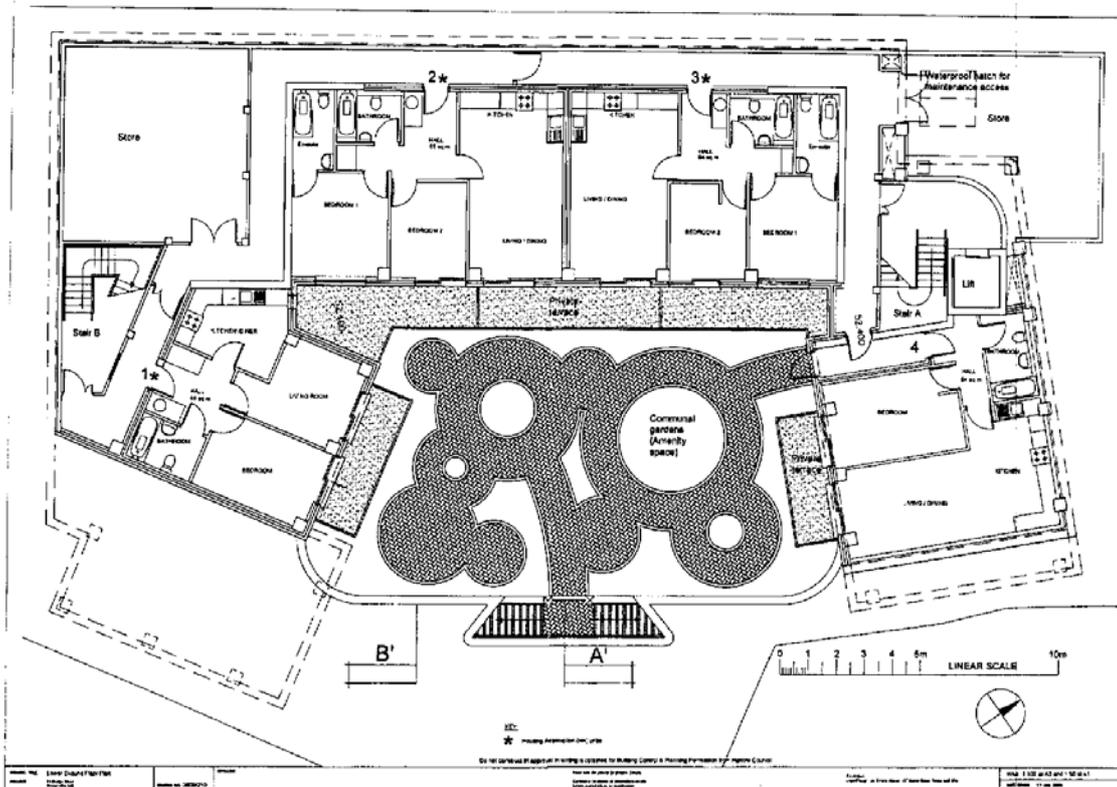


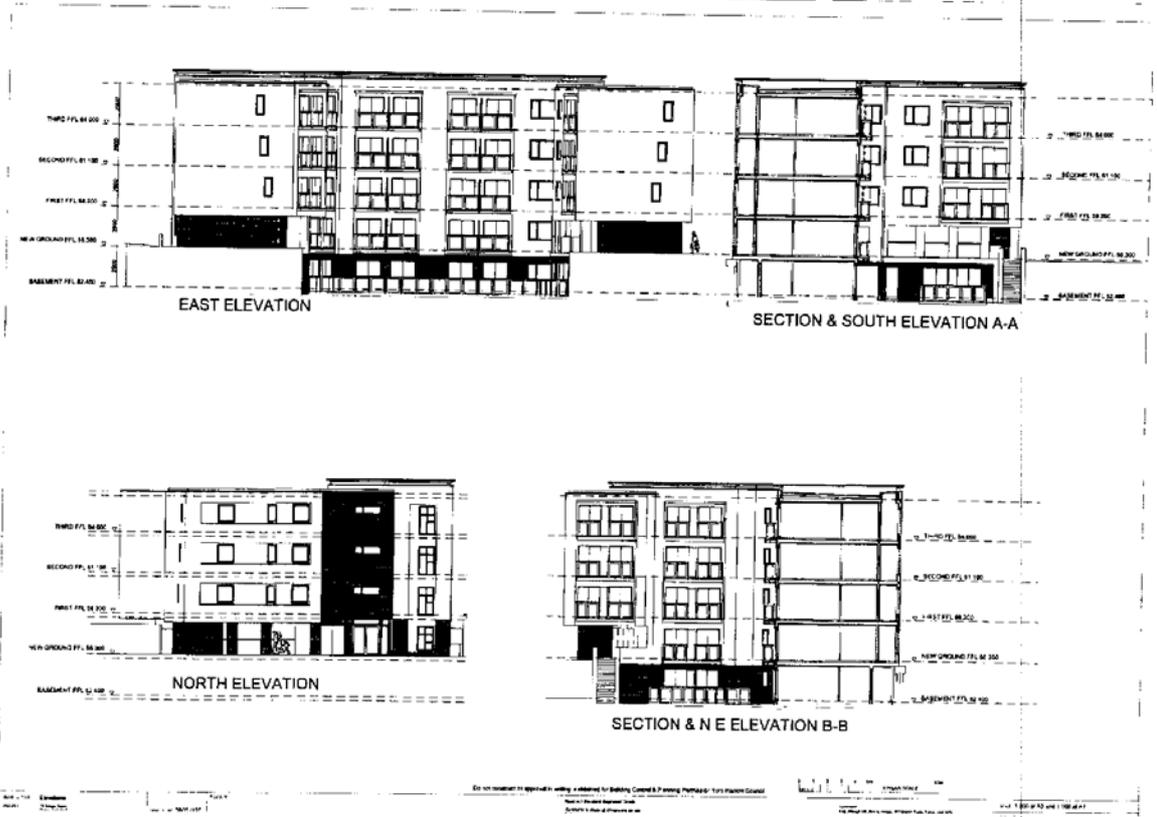














**DATED** 4 FEBRUARY 2008

**BRIGHTGRAIN LIMITED**

- and -

**BANK LEUMI (UK) PLC**

**FOR THE BENEFIT OF**

**THE MAYOR AND BURGESSES OF THE  
LONDON BOROUGH OF HARROW**

**UNILATERAL UNDERTAKING**

**UNDER SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990**

- relating to -

**LAND TO THE REAR OF 71 BRIDGE STREET, PINNER, HA5 3HZ**

**Lovells**

Ref: CM1CSF/MG

THIS UNDERTAKING is made on

4 FEBRUARY

2008

BY:

- (1) **Brightgrain Limited** a company incorporated in England and Wales (registered number 5787768) whose registered office is at 6th Floor Cardinal House 20 St Mary's Parsonage Manchester M3 2LG (the "Owner"); and
- (2) **Bank Leumi (UK) plc** a company incorporated in England and Wales (registered number 640370) whose registered office is 20 Stratford Place London W1C 1BG (the "Chargee").

TO:

**The Mayor and Burgesses of the London Borough of Harrow of Civic Centre PO Box 57 Station Road Harrow HA1 2XF (the "Council")**

WITNESSES:

1. DEFINITIONS AND INTERPRETATIONS

1.1 In this Undertaking:

**"Affordable Housing Contract"** means in relation to any Affordable Housing Unit a contract:

- (a) for the sale and purchase of a long leasehold interest (of a minimum of 125 years);
- (b) at the Affordable Housing Price or higher price agreed between the Owner and a Registered Social Landlord (unless an alternative price is specified in a revised Affordable Housing Scheme submitted by the Owner pursuant to Schedule 1 paragraph 2.4(a) and approved in accordance with Schedule 1 paragraph 2.4(b));

**"Affordable Housing Price"** means 100% TCI;

**"Affordable Housing Scheme"** means a scheme illustrating the provision of Affordable Housing Units for the Development comprising the location, size, specification and Tenure Mix of Affordable Housing Units to be provided;

**"Affordable Housing Units"** means dwellings to be constructed and provided as affordable dwellings under this Undertaking where the rent or price is reduced directly or indirectly by means of public or private subsidies such that it can be afforded by persons or households who cannot afford to rent or purchase housing appropriate to their needs generally available on the open market;

**"Application Site"** means the land at Bridge Street, Pinner, Harrow shown edged red on Plan 1 which is the subject of the Planning Application;

LIB03/CM1/CSF/1814663.4

"Council" means the Mayor and Burgesses of the London Borough of Harrow or any successor authority;

"Chargee" means Bank Leumi (UK) plc and its successors;

"Commencement of Development" means the carrying out of a Material Operation pursuant to the Planning Permission within the Application Site (and related expressions such as "Commence Development" shall be construed accordingly);

"Development" means the development of the Application Site for 30 flats, amenity space and two disabled parking spaces;

"Dwellings" means dwellings to be constructed on the Application Site in accordance with the Planning Permission including the Affordable Housing Units;

"Expert" means an expert appointed in accordance with clause 14;

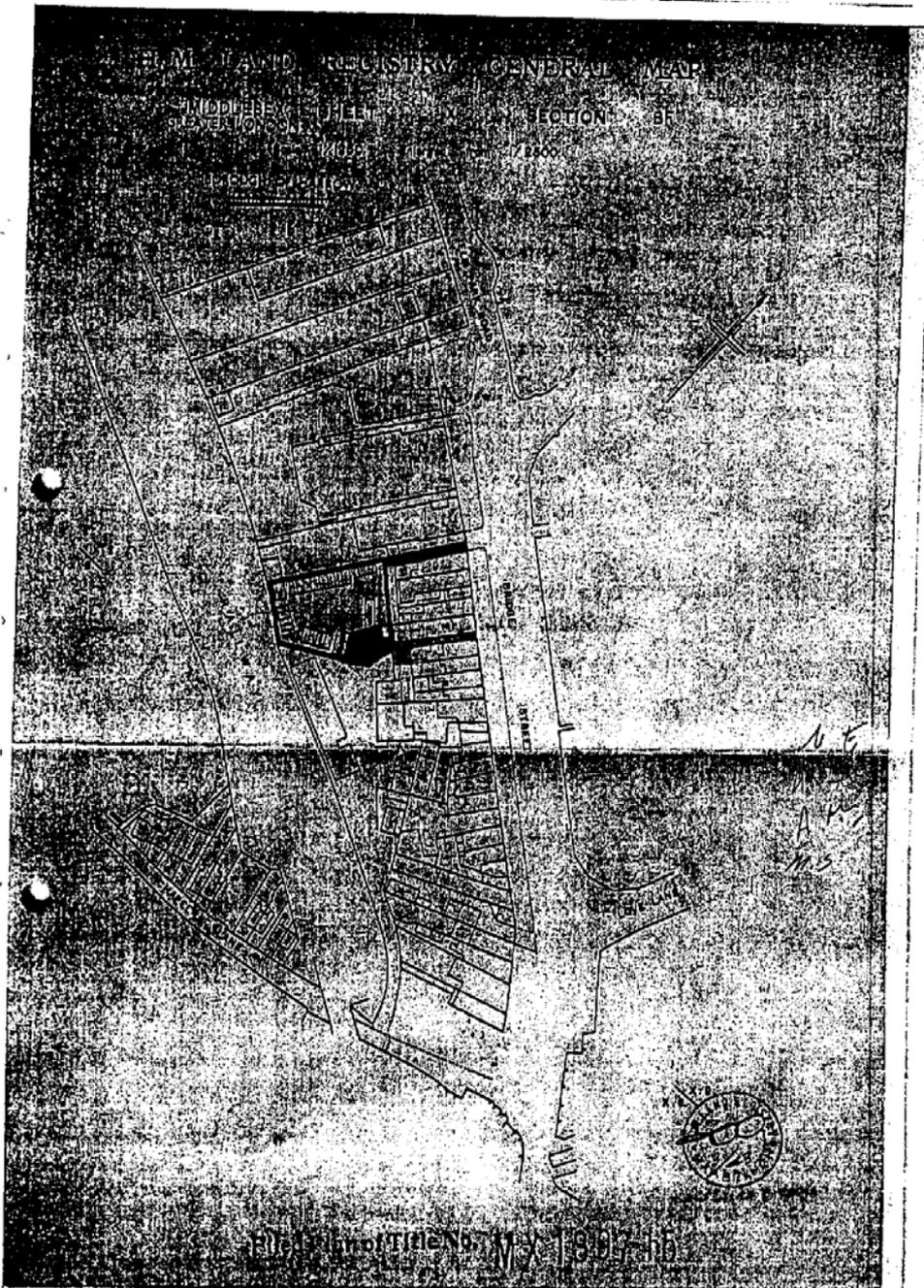
"the Housing Corporation" means the statutory corporation of that name constituted by section 74 of the Housing Associations Act 1985 or any successor organisation or body;

"Housing Quality Indicators" means the Housing Corporation's Housing Quality Indicators version 4 of April 2007;

"Intermediate Rented Units" means those Affordable Housing Units which are to be let by a Registered Social Landlord at rents above Target Rents but below market rent;

"Material Operation" means material operation within the meaning of section 56(4) of the Planning Act other than the following:

- (a) site clearance;
- (b) earthworks;
- (c) demolition of existing buildings;
- (d) archaeological investigation;
- (e) the assessment of contamination;
- (f) remedial action in respect of any contamination;
- (g) the erection of fencing or other means of enclosure for site security;
- (h) the display of advertisements;
- (i) the diversion and laying of services;
- (j) the erection of a site compound or site office or temporary buildings or structure;
- (k) interim landscaping works; and



This site plan shows the general location of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 28 July 2008 at 12:05:01. It may be subject to alteration in accordance with the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original, issued on 23 July 2008.

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This title is dealt with by the Harrogate District Land Registry.

PLAN 2

(l) construction of a site access;

"**Occupy**" means first occupy or cause or permit first occupation for any use for which the building in question was designed other than occupation for the purpose of construction decoration fitting out security marketing or repair (and related expressions such as "Occupation" shall be construed accordingly);

"**Offer Date**" means the date of an offer to exchange Affordable Housing Contracts pursuant to Schedule 1 paragraph 2.3(a) or paragraph 2.4(b) as the case may be;

"**Open Market Units**" means Dwellings other than Affordable Housing Units;

"**Owner**" means Brightgrain Limited and its successors in title to the Owner's Land or part thereof;

"**Owner's Land**" means the part of the Application Site in the freehold ownership of the Owner and shown shaded yellow on Plan 2;

"**Plan 1**" means the plan attached to this Undertaking labelled "Plan 1";

"**Plan 2**" means the plan attached to this Undertaking labelled "Plan 2";

"**Planning Act**" means the Town and Country Planning Act 1990 as amended;

"**Planning Application**" means the application for planning permission registered under reference number P/1907/07/CFU;

"**Planning Challenge**" means an application to the Courts challenging the grant of the Planning Permission lodged within 6 weeks of the date of the grant of the Planning Permission or such longer period as the Courts may allow;

"**Planning Permission**" means any planning permission granted by the Secretary of State pursuant to the Planning Application;

"**Registered Social Landlord**" means registered social landlord as defined in section 1 of the Housing Act 1996 and registered with the Housing Corporation for the purpose of receiving social housing grant;

"**Shared Ownership Units**" means those Affordable Housing Units where the occupier purchases a percentage of the equity and pays rent on the outstanding equity and is entitled to Staircase;

"**Staircase**" means the procedure by which the owner of a shared ownership lease can purchase further and additional tranches of the equity in a Shared Ownership Unit up to 100% of the equity in such Shared Ownership Unit;

"**TCI**" means the base total cost indicators for the relevant type of affordable housing unit in the area in which the Development is situated last published by the Housing

Corporation adjusted directly in proportion to the change in the Tender Price Index as published from time to time by the Buildings Cost Information Service on behalf of the RICS between the date of last publication of the total cost indicators and the date of Commencement of Development;

"Target Rents" means the Housing Corporation Target Rents for the areas for the relevant year or any rent requirements stipulated for Registered Social Landlords by the Housing Corporation;

"Tenure Mix" means the proportion of Affordable Housing Units which are Shared Ownership Units and Intermediate Rented Units; and

"Travel Plan" means a travel plan which aims to provide information for residents on the environmental and health benefits of using alternative modes of transport to the car.

- 1.2 Save as herein provided the Interpretation Act 1978 shall apply to this Undertaking.
- 1.3 References in this Undertaking to a clause Schedule paragraph or Part are references where the context so admits to that clause Schedule paragraph of a Schedule or Part of a Schedule in this Undertaking and references within a clause are (unless the context otherwise requires) references of that clause and references in a Schedule to a paragraph or a Part are (unless the context otherwise requires) reference to that paragraph or Part of that Schedule.
- 1.4 The headings appearing in this Undertaking are for ease of reference only and shall not affect the construction or interpretation of this Undertaking.
- 1.5 Covenants made hereunder:
  - (a) if made by more than one person are made jointly and severally; and
  - (b) are made with the intent that they shall operate as a local land charge on the Owner's Land and shall be registered in the Register of Local Land Charges.
- 1.6 The obligations in this Undertaking shall be enforceable not only against the Owner but also against any successors in title to and any person claiming through or under the Owner an interest or estate in the Owner's Land or any part thereof PROVIDED THAT:
  - (a) no person shall be liable for any breach of the covenants obligations or restrictions contained in this Undertaking occurring after it has parted with its interest in the Owner's Land or the part of the Owner's Land to which the breach relates;
  - (b) the obligations in this Undertaking shall not be binding upon persons who purchase for their own private occupation (including purchase by way of lease) individual Dwellings or occupiers of those Dwellings nor their successors in title

nor the mortgagee or chargee of any such persons nor a receiver appointed by a mortgagee or chargee of any such persons;

- (c) the obligations in this Undertaking shall not in any event be binding upon:
- (i) any person who shall at any time acquire a legal interest in any of the Affordable Housing Units pursuant to any statutory right of acquisition from time to time in force and any successors in title or other persons deriving title from him including any mortgagee or chargee or receiver appointed by such mortgagee or chargee;
  - (ii) any person who has acquired an Affordable Housing Unit as grantee or assignee of a shared ownership lease and who has purchased a 100% share in the value of that Affordable Housing Unit and any successors in title or other persons deriving title from him including any mortgagee or chargee or receiver appointed by such mortgagee or chargee; and
  - (iii) any mortgagee or chargee of a Registered Social Landlord which shall have the benefit of a legal mortgage or charge secured against any Affordable Housing Units or any part thereof or any receiver appointed by such mortgagee or chargee or any body who has provided loan facilities to any Registered Social Landlord secured against any Affordable Housing Units or any person deriving title from such mortgagee chargee or bodies;

in each case in respect of the relevant Affordable Housing Units only; and

- (d) the obligations contained in this Undertaking shall not be binding upon any and all statutory undertakers who have as part of their statutory undertaking any interest in the Owner's Land nor the mortgagee or chargee of any such persons nor any receiver appointed by a mortgagee or chargee of any such persons.

1.7 References in this Undertaking to any statute or delegated legislation include and import (unless the context otherwise requires) reference to that statute or delegated legislation as amended or re-enacted from time to time and to any replacement or succeeding statute or delegated legislation from time to time.

## 2. RECITALS

- 2.1 The Owner is the freehold owner of the Owner's Land registered at the Land Registry under title number MX139715.
- 2.2 The Chargee has the benefit of registered charges upon the Owner's Land dated 2 September 2005.
- 2.3 The Council is a local planning authority for the purpose of the Planning Act for the area within which the Application Site is situated.

- 2.4 On 27 June 2007, the Owner applied to the Council for Planning Permission for the Development and on 3 December 2007 the Owner appealed to the Secretary of State on the ground of non-determination of the application (such appeal registered with the Planning Inspectorate under reference APP/M5450/A/07/2060641).
- 2.5 The Owner and the Chargee are desirous of entering into a planning obligation under section 106 of the Planning Act in respect of the matters contained in this Undertaking and are entering into this Undertaking in contemplation that the Secretary of State may grant Planning Permission.
3. **UNDERTAKING AND COVENANTS**
- 3.1 This Undertaking is completed pursuant to section 106 of the Planning Act and the covenants by the Owner and the Chargee hereinafter contained shall be ones to which the provisions of section 106 of the Planning Act shall apply.
- 3.2 The Owner hereby agrees and covenants in the terms set out in Schedule 1.
- 3.3 This Undertaking is a conditional undertaking save for this clause 3.3 and:
- (a) clauses 1 to 15 inclusive and Schedule 1 paragraphs 1(a), 2.2 and 2.3(a) shall become unconditional upon the grant of Planning Permission; and
  - (b) the remainder of this Undertaking shall become unconditional on the carrying out of a material operation within the meaning of section 56(4) of the Planning Act on the Application Site pursuant to the Planning Permission.
- 3.4 The covenants of the Owner contained in Schedule 1 will be enforceable by the Council.
- 3.5 The Chargee consents to the completion of this Undertaking and acknowledges that the Owner's Land and its interest therein will be bound by the covenants obligations and restrictions contained in this Undertaking PROVIDED THAT the Chargee or a receiver appointed by it shall have no liability under this Undertaking unless and until it shall have entered into possession of the Owner's Land or part thereof pursuant to the terms of any registered charge upon the Owner's Land and shall only be liable in respect of breaches committed by it whilst in possession.
- 3.6 The construction validity performance and enforcement of this Undertaking shall be governed by English law.
- 3.7 Where any provision of this Undertaking requires the agreement approval certification confirmation consent direction or expression of satisfaction or expression of opinion or notification in writing of the Council or one of their officers such agreement approval certification confirmation consent direction or expression of satisfaction or expression of opinion or notification shall only be treated as given if contained in a non-electronic-mail

communication on headed paper and signed by or on behalf of the Council (as the case may be).

**4. NOTICES**

4.1 Any notice under this Undertaking shall be in writing and shall be duly served if it is delivered personally or sent by first class or special delivery post to a party at the address given in this Undertaking or such other address as may be notified in writing from time to time for the purposes of this clause.

4.2 Service shall be deemed to have occurred in the case of sending by first class or special delivery post when such letter would be assumed to have been delivered in the ordinary course of the post at that time.

**5. THIRD PARTY RIGHTS**

No person may enforce any provision of this Undertaking by virtue of the Contracts (Rights of Third Parties) Act 1999.

**6. PARTNERSHIP**

Nothing in this Undertaking shall create a legal partnership between any of the parties to this Undertaking.

**7. SEVERANCE**

If any provision in this Undertaking shall be held to be invalid illegal or unenforceable it shall be deemed to be deleted and the validity legality and enforceability of the remaining provisions of this Undertaking shall not in any way be deemed to be affected or impaired.

**8. NO FETTER OF DISCRETION**

Nothing contained or implied in this Undertaking shall prejudice or affect the rights powers duties and obligations of the Council in the exercise of any of their functions and the rights powers duties and obligations of the Council under all public and private statutes byelaws orders and regulations may be fully and effectually exercised notwithstanding the terms of this Undertaking.

**9. PERPETUITY PERIOD**

For the purposes of any such parts of this Undertaking as may be subject to the rule against perpetuities the perpetuity period shall be a period of 80 years from the date hereof.

**10. OTHER PLANNING PERMISSIONS**

Nothing in this Undertaking shall be construed as affecting prohibiting or limiting any rights to develop any part of the Application Site in accordance with any other planning

- (d) shall afford to each of the Parties an opportunity to make counter submissions within 10 working days;
- (e) shall in respect of an Affordable Housing Scheme take into consideration any written submissions received from the Housing Corporation or any relevant Registered Social Landlord; and
- (f) shall give his reasons for his decision and in the event that he rejects the Disputed Scheme shall specify where possible amendments subject to which the Disputed Scheme would have been approved.

14.4 In reaching his decision, the Expert shall either:

- (a) approve the Disputed Scheme (in which case both Parties shall bear their own costs); or
- (b) reject the Disputed Scheme (in which case the Expert shall determine in the particular circumstances of the dispute whether the Owner should pay the Council's costs of the determination or a specified contribution thereto).

14.5 The fees of the Expert shall be met by the Owner.

#### 15. PLANNING CHALLENGE

15.1 This clause shall apply in the event of a Planning Challenge by any person other than the signatories to this Undertaking.

15.2 In the event of a Planning Challenge as referred to in clause 15.1 and the cessation of development by the Developer or if the Planning Permission is quashed on final determination of the Planning Challenge then the provisions of Schedule 1 of this Undertaking shall not be enforceable by the Council SAVE THAT

- (a) the Council may take enforcement action in respect of any breach of the terms of this Undertaking prior to cessation of development only; and
- (b) in the event that any of the Dwellings have been provided and are occupied then in respect of the Green Travel Plan Schedule 1 paragraph 1(c) shall continue to have effect and may be enforced by the Council.

IN WITNESS whereof the parties hereto have executed this Undertaking as a Deed the day and year first before written.

#### SCHEDULE 1

##### Planning Obligations

#### 1. TRAVEL PLAN

The Owner covenants for the benefit of the Council:

LIB03/CM1CSF/1814663.4

Lovells

- (a) not to Commence Development until it has submitted to the Council a draft Travel Plan for approval;
- (b) not to permit Occupation of the Development until the Travel Plan has been approved by the Council or by an Expert in accordance with clause 14; and
- (c) to comply with the Travel Plan approved pursuant to sub-paragraph 1.1(b).

2. **AFFORDABLE HOUSING**

2.1 The Owner shall provide Affordable Housing Units as part of the Development such that (unless otherwise agreed in writing by the Council):

- (a) subject to paragraph 2.4 nine (9) Affordable Housing Units shall be provided across the Development; and
- (b) the Affordable Housing Units shall:
  - (i) (save where waivers are agreed with the Housing Corporation) comply with the Housing Corporation's Design and Quality Standards April 2007 or subsequent Housing Corporation standards applicable on the relevant Offer Date or subsequent standards published in final form before the relevant Offer Date but which shall take effect prior to the date reasonably anticipated by the Owner to be the likely date of the relevant bids for grant funding;
  - (ii) achieve no less than Code Level 3 standard pursuant to the Code for Sustainable Homes or such higher Code Level as may be necessary to comply with Housing Corporation grant funding conditions; and
  - (iii) comply with such minimum Housing Quality Indicator scores as are necessary to comply with Housing Corporation grant funding conditions.

2.2 The Owner shall not Commence Development until:

- (a) it has submitted to the Council a draft Affordable Housing Scheme for the development which complies with paragraph 2.1 (which may be amended and resubmitted) accompanied by such estimates of the likely service charges applicable to the relevant Affordable Housing Units as the Owner is able to reasonably provide; and
- (b) either:
  - (i) an Affordable Housing Scheme submitted pursuant to paragraph 2.2(a) has been approved by the Council in writing; or

- (ii) If the Council provides to the Owner written comments on a draft Affordable Housing Scheme submitted pursuant to paragraph 2.2(a) within 28 days of service of the draft on the Council, the Owner has amended the draft Affordable Housing Scheme to accord in full with those comments and a copy of the final Affordable Housing Scheme has been served on the Council; or
- (iii) an Affordable Housing Scheme submitted pursuant to paragraph 2.2(a) has been approved by an Expert in accordance with clause 14.

2.3 The Owner:

- (a) shall not Commence Development until it has made a minimum of three written offers in good faith to Registered Social Landlords to exchange Affordable Housing Contracts in relation to the Affordable Housing Units in accordance with the approved Affordable Housing Scheme (in one or more parcels) and has served copies of such offers on the Council;
- (b) thereafter shall use reasonable endeavours to exchange Affordable Housing Contracts as soon as practicable.

2.4 In the event that despite the use of reasonable endeavours the Owner is unable to exchange Affordable Housing Contracts in accordance with the requirements of paragraph 2.3 because the Affordable Housing Price cannot be achieved due to a lack of availability of grant funding then:

- (a) the Owner may forthwith submit a revised Affordable Housing Scheme (which may be amended and resubmitted) to the Council proposing the delivery of an alternative number of Affordable Housing Units and / or an alternative Tenure Mix PROVIDED THAT the net cost to the Owner of providing the Affordable Housing Units (taking into consideration inter alia the cost to the Owner of providing the Affordable Housing Units, receipts from the transfer of the Affordable Housing Units to the relevant Registered Social Landlord and receipts from the sale of any additional Open Market Units previously allocated in the Affordable Housing Scheme as Affordable Housing Units) shall not be increased (compared to the net cost to the Owner of providing the Affordable Housing Units in accordance with the Affordable Housing Scheme prior to its revision);
- (b) the Owner shall forthwith make a minimum of three written offers in good faith to Registered Social Landlords to exchange Affordable Housing Contracts in relation to Affordable Housing Units (in one or more parcels) in accordance with the revised Affordable Housing Scheme submitted pursuant to paragraph 2.4(a) and shall serve copies of such offers on the Council PROVIDED THAT the revised Affordable Housing Scheme has first been;

- (i) approved by the Council in writing; or
  - (ii) (where the Council provides to the Owner written comments on a draft revised Affordable Housing Scheme submitted pursuant to paragraph 2.4(a) within 28 days of service of the draft on the Council), amended to accord in full with those comments and a copy of the final Affordable Housing Scheme has been served on the Council; or
  - (iii) approved by an Expert in accordance with clause 14; and
- (c) thereafter the Owner shall use reasonable endeavours to exchange Affordable Housing Contracts as soon as practicable.
- 2.5 Unless the Council agrees otherwise, the Owner shall not permit the Occupation of more than 16 Open Market Units until the Affordable Housing Units have been constructed and transferred to a Registered Social Landlord.

EXECUTED as a deed by )  
Brightgrain Limited )  
in the presence of: )

Director



Director/Secretary

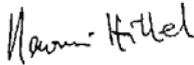


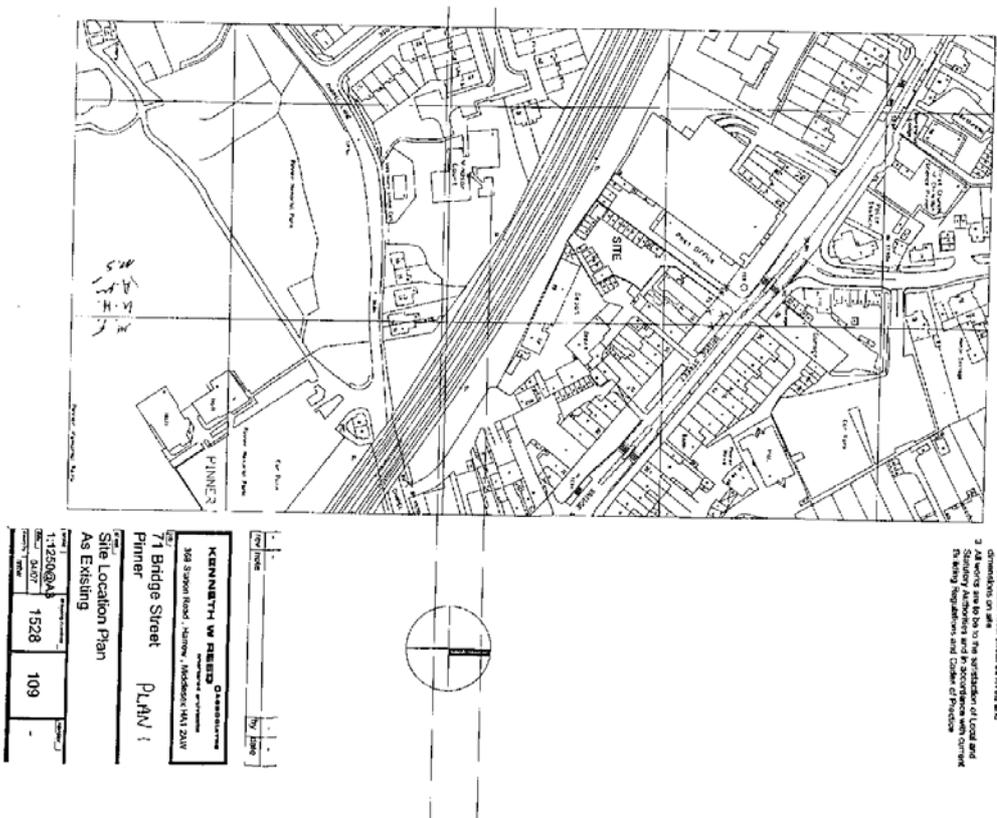
EXECUTED as a deed by )  
Bank Leumi (UK) plc )  
in the presence of: )

Director



Director/Secretary





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Item: 1/02

**PRINCE EDWARDS PLAYING FIELDS, P/1975/09/RH/MAJ  
ST DAVID'S DRIVE, EDGWARE**

Ward QUEENSBURY

APPLICATION TO VARY CONDITION 6 (APPROVAL OF LANDSCAPING PRIOR TO COMMENCEMENT OF DEVELOPMENT) PURSUANT TO P/0002/07 TO PROVIDE FOR THE IMPLEMENTATION OF A LANDSCAPE SCHEME IN ACCORDANCE WITH DETAILS TO BE APPROVED AND IMPLEMENTED PRIOR TO THE END OF THE PLANTING SEASON AND VARIATION OF CONDITION 9 PURSUANT TO P/0002/07 TO PROVIDE FOR THE APPROVAL OF THE LEVELS OF THE BUILDINGS, ROADS, FOOTPATHS AND RETENTION OF ALL NEW GROUND WORKS WITHIN THE SITE

**Applicant:** Football First

**Agent:** AND ARCHITECTS

**Statutory Expiry Date:** | 16-DEC-09

---

### **Background**

The application seeks to vary the wording of conditions 6 (landscape scheme) and 9 (site levels) attached to planning permission P/0002/07/CFU, which approved redevelopment at the Prince Edward Playing Fields to provide an enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking. This original permission was granted in 2007, and the development has now largely been completed. The wording of the two conditions that are the subject of this application required details to be approved prior to commencement of development. This current application seeks to vary the two conditions, to enable them to be formally discharged at this time.

The second element of the application presents the detail of the site level and ground works for approval, to accompany the proposed variation of condition 9 of the original approval.

### **RECOMMENDATION: GRANT IN ACCORDANCE WITH THE FOLLOWING:**

The permission hereby granted subject to the conditions below is supplemental to planning permission ref: P/0002/07/CFU granted by the Council on the 8<sup>th</sup> April 2008.

Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

It is proposed that these conditions are amended as follows:

#### **Condition 6**

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 shall be submitted and approved in writing by the local planning authority. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved. Soft landscape works shall include: planting plans, and schedule of plants, noting species, plant sizes and proposed numbers/densities. The landscape scheme as approved shall be implemented prior to the end of the planting season.

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

### **Condition 9**

Details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and all new ground works within the site shall be 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.

### **Reason**

The variation of conditions 6 and 9 is not considered to compromise the gravity of the development or to give rise to any significant adverse impacts upon the amenities of surrounding properties that were not previously considered during the determination of the original application: which was considered to be consistent with the policy objectives within the London Plan and the adopted Harrow UDP policies listed below.

The alterations to ground levels within the site, subject to compliance with the planning permission is considered to be acceptable having regard to the physical and visual impact of the works upon the character and appearance of the area, existing trees within and adjacent to the site and upon residential 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:

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

- 3D.5 Sports facilities
- 3D.7 Realising the value of open space
- 3D.11 Open space strategies
- 4C.6 Flood plains
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection

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

- S1 The Form of Development and Pattern of Land Use
  - EP11 Development within Floodplains
  - EP25 Noise
  - EP47 Open Space
  - D4 The Standard of Design and Layout
  - D5 New Residential Development
  - D10 Trees and New Development
  - T6 The Transport Impact of Development Proposals
  - T13 Parking Standards
  - R4 Outdoor Sports Facilities
  - R5 Intensive Use Pitches
  - C16 Access to Buildings and Public Spaces
  - Supplementary Planning Guidance 'Access for All'
-

## INFORMATION

### a) Summary

Statutory Return Type: Largescale major other  
Site Area: 17 ha  
Council Interest: Freehold

### b) Site Description

- Irregular-shaped former educational sports grounds site designated as open space within the UDP,
- Site is bound by Jubilee Line railway to the west, residential properties fronting Whitchurch Lane to the north and Camrose Avenue to the south. To the east the site adjoins residential properties along Buckingham Gardens, St David's Drive and Little Stanmore nursery, first and middle School,
- The section of railway that adjoins the western site boundary is identified as a site of nature conservation importance (grade II)
- The original site level falls from the north to the Edgware Brook, which crosses the site, and then rises again to Camrose Avenue,
- The site is located within Edgware Brook flood plain and contains a flood alleviation scheme controlled by the Environment Agency within the north eastern half of the site,
- The site has recently been developed, in accordance with permission granted in 2007, to expand the stadium and improve the playing fields provided on the site,
- The site is designated as a proposal site within the UDP, the 2007 permission on the site is consistent with this designation,
- The main access to the site is from Camrose Avenue, with secondary access from Whitchurch Lane.

### c) Proposal Details

- The application proposes to vary conditions 6 (landscaping) and 9 (site levels) of the P/0002/07 planning permission, to enable the conditions to be formally discharged following the commencement of the development ahead of the submission of details of use.
- The application also presents site level and ground works detail for approval at this time, to accompany the variation to condition 9.
- Of note, the proposed site levels include provision of earth mounds parallel with the Camrose Avenue, St David's Drive and Whitchurch Lane site boundaries.

### d) Relevant History

EAST/148/01/OUT	OUTLINE: Football stadium, terraces, stand & clubhouse, floodlights, artificial pitch and tennis courts, health and fitness centre, parking, vehicular access from Camrose Avenue	GRANTED 11-APR-03
P/898/03/CDP	Approval of reserved matters for EAST/148/01/OUT	GRANTED 04-AUG-03
P/1087/03/DVA	Variation of Condition 13 (parking) of EAST/148/01/OUT	GRANTED 29-JUL-03
P/1784/03/CFU	Flood alleviation works	GRANTED 07-NOV-03



**Summary of Response:**

At the time of this report, no responses have been received to the application. Any responses received will be reported to Committee.

However, prior to the application being submitted, the Council received a petition objecting to the presence of the earth mounds adjacent to the site boundaries on the grounds that this detrimentally affects drainage of adjacent properties, that the original proposal included landscaping for these boundaries, and the mounds compromise outlook and natural light for the neighbouring residential properties.

**Internal Comments (with respect to submitted site levels)**

Drainage Engineer: No objection to submitted site levels. With specific reference to the earth mounds, it is not considered that these would result in any detriment to the drainage of neighbouring properties or highway.

Transport Engineer: No objection to submitted details

Trees Officer: The north and eastern bunds are located within the root protection areas (RPA) of a number of trees along these boundaries. Removing/modifying the bund will now have little benefit. Further earthworks would exacerbate soil compaction. Planting the bund with native tree and shrub species to replace potential tree loss is recommended. Soil remediation will be required before planting as the bund as the soil is compacted clay.

Recommends specific works to area under canopy of oak.

[This work has been carried out]

**APPRAISAL**

The main issues for consideration in the proposed variation of the conditions are the implications on the wider scheme of the delayed submission of details required to discharge the conditions, and the potential impact of this delay in relation to the specified reasons for imposing the conditions.

The main issues for consideration in relation to the site level detail provided for approval are the implications on site drainage, accessibility, relationship with adjacent highway levels and the impact on neighbouring residential amenity, particularly in relation to the proposed earth mounds adjacent to the site boundaries.

**1) Proposed Variation of Conditions**

As approved, condition 6 states:

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.

As approved, condition 9 states:

The development hereby permitted shall not 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.

The original wording of these conditions required the submission and approval of details prior to commencement of development on the site. As a result of the construction program that has been followed on the site, it is now proposed to phase the development. The first phase of the development has now been substantially completed in advance of these conditions being formally discharged by the Council. Accordingly, in order to consider the details now submitted necessary to vary the wording of these conditions to enable them to be discharged following the commencement of the use on the site.

Throughout the construction and opening of the development, negotiation has continued on various aspects of the development. The Council has been made aware of the progress on site, and been involved in detailed discussions as the development has proceeded with respect to these two conditions, in an attempt to reconcile a number of competing objectives.

Development plan policy supports enhanced community facilities, especially for sporting activities in line with community strategy aspirations for improved health and wellbeing. The "breach" of these two conditions is not, subject to the implementation of an appropriate scheme of landscaping and the approval of details of ground levels, therefore considered to give rise to harm or substantially alter the planning merits of the development.

In discussing the site levels and landscaping proposals with the applicants throughout the current phase of development, officers have sought to balance the interests of land drainage, and flood risks, the appearance of the site, the health of the existing trees and the desirability of avoiding the environmental and amenity impact of transporting material from the site.

In addition to the variation of the two conditions, the application also proposes the approval of details pursuant to condition 9 at this time. The specific wording of condition 6 would require the approval and implementation of a scheme of landscaping prior to the end of this years planting season.

Enabling for the delayed approval of these conditions would, in this case, not compromise the overall objectives of the conditions, as specified in the accompanying reasons to the conditions. Unlike many other conditions that are required to be discharged prior to commencement of development, the delayed approval of these conditions would not compromise the overall standard of development that could be provided, and would not have implications on the development that had already been built out.

Accordingly, there is no objection to the proposed variation of these conditions to enable the delayed approval of the required details.

**2) Details of Site Levels Pursuant to Condition 9 (as varied)**

In association with the proposed variation of condition 9 to enable the condition to be formally discharged at this time, details of the proposed site levels have been submitted for the Council's approval.

While it is proposed to vary the wording of the condition, the original purpose of the condition set out in the reason remains. Accordingly, the relevant scope of assessment for the site level detail includes:

- The impact on the amenity of neighbouring residents,
- The appearance of the development
- Drainage
- Gradient of access
- Future highway improvement

Overall, the site level detail submitted by the applicant is considered to be acceptable.

Level access would be provided from the car parking area to the stadium entrance. The majority of the site would be generally level. However, earth mounds comprised of inert material removed from elsewhere within the site as part of the development of up to 2m in height are proposed adjacent to, and aligned parallel with, the site boundaries with the residential properties of Camrose Avenue and Whitchurch Lane. Further, the earth works in the south eastern corner of the site adjacent to St David's Drive properties, range between 2 to 4m in height with the highest part of the mound being located away from the main windows of the adjoining St David's properties. A separate earth mound north of the intermediate youth pitch, perpendicular to the earth mound along the eastern site boundary to the ranges in height from 1 to 2 m.

The site adjoins the rear of Camrose Avenue, St David's Drive and Whitchurch Lane residential properties. The predominant levels throughout the site do not raise concerns with respect to impact on these neighbouring properties. While the crest of the proposed earth mounds would rise to approximately 2m higher than the neighbouring land level of the residential properties along Camrose Avenue, a minimum of 22m separation would be retained to the rear windows of these properties and 7m to the shared boundary. The earth mounds along the eastern site boundary have been remodelled to reduce the height of the earth mounds directly adjacent to Nos 36 and 41 St David's Drive. A distance of 20m is provided between the highest point of the earth mounds and the habitable windows of the St David's Drive properties. Furthermore, landscaping of the mounds to incorporate measures to limit general access to them, and the distance of the mounds to the main pitches within the site would mean that they are not likely to be used as a viewing platform over the playing fields. It is therefore considered that the proposed site levels (and in particular the earth mounds) would not result in unacceptable overlooking of neighbouring properties.

It is not considered that the proposed mounds would result in any enclosure or loss of light to neighbouring properties, given the limited height of the mounds and separation provided.

Accordingly, it is not considered that the proposed site levels would result in detriment to the living conditions of neighbouring properties. Residents concerns regarding the impact upon earlier, more open views across the site are acknowledged. The proposed bunds and landscaping will change these views. Planning legislation, save for explicit policies, does not however protect private rights to a view and whilst accepting this change, refusal of the proposals on this basis could not be justified.

The applicant claim that the earth bunds will provide some visual and noise mitigation for residents at time when the site is being intensively used. This claim is acknowledged, particularly in the context of vehicle movements on the site and may result in a nominal improvement to residential amenity but can only be given limited weight in the absence of a detailed report.

Consideration of the impact upon security along the boundaries arising from the loss of openness on the site can, it is considered, be addressed through the landscaping scheme, recognising the controlled use of the facility.

The site levels do not raise any issues of concern with respect to the site appearance. The Council's Tree Protection Officer has visited the site, because the bunds along the northern and eastern boundary bunds are within the root protection zones of a number of trees along the respective boundaries the formation of the bunds has compacted the soil below the trees. However, the tree officer considers that further works to modify or remove the bunds would be more likely to result in damage than retain the bunds in situ. The earth mounds are proposed to be incorporated within the wider landscaping proposals for the site, with the slopes and crest both landscaped. It is considered that this level variation to form the mounds, when landscaped, would add visual interest to the site. Accordingly, site level detail in relation to the wider appearance of the site, is considered to be acceptable.

The Council's Drainage Engineer has reviewed the submitted detail and concluded that the site levels are acceptable in relation to drainage of the site, and that the proposed levels, including the earth mounds, would not be detrimental to the drainage of the neighbouring properties or adjacent highway. The Environment Agency have commented on the scheme and do not consider that the earth works would impact on the drainage of the site or present a flood risk.

The site level detail confirms that level access would be provided within the site, from the car park to stadium entrance, providing for the needs of people with mobility impairment. Site level throughout the site does not raise access concerns. Alterations to site levels in the car parking area, and reconfiguration of the car and coach parking areas to address the need for level access have been carried out with consequent localised changes to ground levels in the north eastern corner of the main stadium building.

The Council's Highway Engineer has stated no objection to the proposed levels in relation to the surrounding highway network.

Accordingly, the overall site level detail is considered to be acceptable and the details submitted to discharge the condition, as varied, is recommended to be approved.

### **3) Consultation Responses**

A petition (of 32 signatories) has been submitted objecting to the earth mounds on the basis that:

- This area was detailed as landscaping on the approval,
- The mounds compromise existing drainage of neighbouring properties,
- Detriment to outlook and daylight/sunlight to neighbouring properties.

In response, landscaping has not yet been implemented on the site, and the Council will require an extensive scheme including landscaping to the mounds and boundary areas. The concerns raised regarding drainage are not supported by the Council's Drainage Engineer. Concern regarding detriment to outlook and daylight/sunlight are not considered to be sustainable, given the separation to boundaries and height of the mounds.

### **CONCLUSION**

Development on the site has proceeded prior to the discharge of two 'pre-commencement' conditions, nos. 6 and 9, of the related planning approval. This application proposes variation of the wording of these two conditions, to enable them to be formally discharged subsequent to the first use of the development. More specifically, the proposed wording would require details to be submitted pursuant to a varied condition 6 to enable implementation of an approved landscape scheme within this years planting season and site levels details accompany this application to enable a varied condition 9 to be discharged at this time.

With respect to the site level detail submitted for approval, while the earth mound element of these site levels has been the subject of local objection, the alteration to levels that have been carried out are considered to be acceptable.

The delay in discharging these conditions has not compromised the overall development and would not compromise the objectives of these conditions, as described in the accompanying reasons. Accordingly, the application for variation of the conditions, incorporating the approval of site level detail, is recommended for approval.

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

## **INFORMATIVES**

### **1 INFORMATIVE:**

#### **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:

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

3D.5 Sports facilities

3D.7 Realising the value of open space

3D.11 Open space strategies

4C.6 Flood plains

4B.5 Creating an inclusive environment

4B.6 Safety, security and fire prevention and protection

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

S1 The Form of Development and Pattern of Land Use

EP11 Development within Floodplains

EP25 Noise

EP47 Open Space

D4 The Standard of Design and Layout

D5 New Residential Development

D10 Trees and New Development

T6 The Transport Impact of Development Proposals

T13 Parking Standards

R4 Outdoor Sports Facilities

R5 Intensive Use Pitches

C16 Access to Buildings and Public Spaces

Supplementary Planning Guidance 'Access for All'

### **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.

Plan Nos: 258/PLC(0)1017-1 Rev D, 258/PLC(0)1017-2 Rev D, 258/PLC(0)1017-3 Rev D submitted 28<sup>th</sup> August 2009; site location plan submitted 9<sup>th</sup> September 2009; 08-0433 114 Rev B submitted 29th September 2009.

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Item: 1/03

**SHERIDAN HOUSE, 17 ST ANN'S ROAD, P/1375/09/SL/MAJ  
HARROW**

Ward GREENHILL

CHANGE OF USE OF EXISTING SEVEN-STOREY BUILDING [B1 USE] TO HOTEL [C1 USE] WITH 114 BEDROOMS. DEMOLITION OF EXISTING PLANT FLOOR AT 6<sup>TH</sup> FLOOR LEVEL AND REPLACEMENT WITH ADDITIONAL TWO FLOORS TO CREATE EIGHT-STOREY BUILDING

**Applicant:** ICICI Investments Limited

**Agent:** Aros Architects

**Statutory Expiry Date:** 19-OCT-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) **Public realm and public transport improvements:** Payment of £40,000 towards two-way Station Road improvements [£20,000 prior to commencement of development and £20,000 prior to first use / operation of the development];
  - ii) **Local training and employment:** Contribution of £10,000 towards local training and employment initiatives prior to commencement of development;
  - iii) **Legal fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
  - iv) **Planning administration fee:** Payment of £2,500 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 economic development, as detailed in Harrow's Sustainable Community Strategy [Mar 09], and any comments received in response to publicity and consultation.

### **National Planning Policy:**

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 6: Planning for Town Centres

Planning Policy Guidance 13: Transport

Planning Policy Statement 22: Renewable Energy

Good Practice Guide on Planning for Tourism

**The London Plan [2008]:**

2A.8 Town Centres  
3A.3 Maximising the potential of sites  
3B.1 Developing London's economy  
3B.11 Improving employment opportunities for Londoners  
3C.2 Matching development to transport capacity  
3C.21 Improving conditions for walking  
3C.23 Parking strategy  
3D.7 Visitor accommodation and facilities  
4A.3 Sustainable design and construction  
4A.4 Energy assessment  
4A.7 Renewable energy  
4B.1 Design principles for a compact city  
4B.2 Promoting world-class architecture and design  
4B.5 Creating an inclusive environment

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

S1 The Form of Development and Pattern of Land Use  
D4 The Standard of Design and Layout  
EM15 Land and Buildings in Business, Industrial and Warehousing – Outside Designated Areas  
EM24 Town Centre Environment  
R15 Hotels and Guest Houses  
C16 Access to Buildings and Public Spaces  
T6 The Transport Impact of Development Proposals  
T13 Parking Standards

Harrow's Sustainable Community Strategy [Mar 09]

Harrow-On-The-Hill Station Planning Brief

Harrow Town Centre Development Strategy

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**MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & saved policies of The London Borough of Harrow Unitary Development Plan 2004]**

- 1) Principle of Development and Land Use [Loss of B1 Floorspace]**  
The London Plan 2008: 3A.3, 3D.7, 4B.1.  
London Borough of Harrow UDP 2004: S1, EM15, EM24, R15.
- 2) Design and Character of the Area**  
The London Plan 2008: 4B.1, 4B.2.  
London Borough of Harrow UDP 2004: D4.
- 3) Access**  
The London Plan 2008: 3D.7, 4B.5.  
London Borough of Harrow UDP 2004: C16.
- 4) Sustainability**  
The London Plan 2008: 4A.3, 4A.4, 4A.7.
- 5) Highways**  
The London Plan 2008: 3C.2, 3C.21, 3C.23.
- 6) Local Employment and Training**  
The London Plan 2008: 3B.1, 3B.11

- 7) **S17 Crime & Disorder Act**  
London Borough of Harrow UDP 2004: D4
- 8) **Consultation Responses**

## **INFORMATION**

### **a) Summary**

Statutory Return Type: Major  
Site Area: 1,148m<sup>2</sup>  
Car Parking: One disabled space  
Wheelchair Standards: 6 wheelchair accessible rooms [Exceeds Approved Document M of the Building Regulations 2000]  
Council Interest: None

### **b) Site Description**

Six-storey building situated on the corner of St Ann's Road and Havelock Place and comprises retail on the ground floor with B1 offices above and one level of enclosed plant on the roof. Access to the offices is via a reception on the corner of St Ann's Road and Havelock Place. Car park and servicing to the rear of the site.

### **c) Proposal Details**

Change of use of existing seven-storey office building (B1 use) to Hotel (C1 use) with 114 bedrooms. Demolition of existing plant floor at 6th floor level and replacement with additional two floors to create eight-storey building.

### **d) Relevant History**

Application P/1297/07 for change of use of the fifth floor from offices to residential and façade treatment at the fifth floor refused but allowed on appeal [Ref: APP/M5450/A/08/2065342] on 21 May 2008.

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

The Agent held pre-application meetings with Harrow Council prior to the submission of this planning application.

### **f) Applicant Statement**

The scheme proposes converting the existing five floors of office space into hotel rooms, adding 735 sqm of floorspace and replacing the existing roof plant room with two new storeys.

114 bedrooms will be created, maintaining the small reception on the ground floor; the main reception will be on the first floor with the kitchen and dining facilities. The plant area will be contained on the first floor. The bedrooms will be on the upper floors.

The additional storeys will extend the full width of the roofspace and using existing architectural features forms a seamless extension from the existing building with the upper most level set back behind the red brick pillars to minimise visual top loading.

**g) Consultations**

Greater London Authority [The application is referable to the GLA by virtue of Category 3E of the Town and Country Planning (Mayor of London) Order 2008].

The GLA's Stage 1 Report identifies three issues: wheelchair accessible rooms should be increased; Revision of energy strategy report; and transport matters [including provision of one disabled space] to be addressed.

**Notifications:**

Sent: 33                      Replies: 15  
Site Notice

**Summary of Responses:**

15 representations received [seven supporting and eight objecting to the proposal] on the following grounds:

Support

Economic benefits;  
Hotel demand;  
Increase vitality / vibrancy in town centre; and  
Employment opportunities.

Object

No demand for hotel;  
Loss of existing B1 employment;  
Increased competition; and  
Excess number of hotels in existence.

**APPRAISAL**

**1) Principle of Development and Land Use [Loss of B1 Business Floorspace]**

The applicant has provided sufficient evidence to demonstrate the loss of B1 business floorspace on this site. Not all of the upper floors are occupied and in some instances, there has been long-term vacancies. It is noted that the fifth floor, being empty for over four years has been marketed since 2007.

Accordingly, the principle of development is considered acceptable, as a result of the lack of demand for B1 business use. The Inspector's decision in allowing an appeal for residential use is also noted.

The proposal therefore complies with the London Plan 2008 Policies 3A.3, 3D.7, 4B.1 and London Borough of Harrow UDP 2004 Policies S1, EM15, EM24 and R15.

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

The proposal seeks to add two additional floors to this 1980s building and would represent a significant improvement to the appearance of the parade, which this forms part and also to the streetscene in general.

Accordingly, the proposal complies with the London Plan 2008 Policies 4B.1 and 4B.2 and London Borough of Harrow UDP 2004 Policy D4.

**3) Access**

The proposal incorporates over 5% [6 rooms] of the 114 rooms as wheelchair accessible with 10% as ambulant rooms. This exceeds the requirements set out in Approved Document M of The Building Regulations 2000 and is therefore considered acceptable and complies with London Borough of Harrow UDP 2004 Policy C16.

**4) Sustainability**

The applicant is currently undertaking a revised energy strategy report [due for completion beginning of October] to meet the requirements of the GLA and the policies set out in the London Plan 2008 [reduction in carbon dioxide emissions by at least 20% from on site renewable energy generation]. The applicant is undertaking work to demonstrate measures to comply with the London Plan 2008 Policies 4A.3, 4A.4 and 4A.7 in undertaking this process. Accordingly, a condition is recommended to ensure the proposal is acceptable on these grounds, subject to referral to the GLA and acceptance of the revised energy strategy report.

**5) Highways**

The site is in a highly-accessible location. Therefore the lack of car parking provision for this proposal is encouraged. Harrow's Highways Engineer is satisfied with the proposal. One disabled car parking space is provided, along with cycle storage to the rear of the site, which is considered acceptable. In addition, a contribution request of £40,000 towards the two-way Station Road improvement project], which is due for commencement in 2010 is requested. This is a combined public transport / public realm improvement and would form part of the legal agreement.

**6) Local Employment and Training**

The applicant proposes to recruit locally all employees and provide construction and hospitality training to the anticipated 10-12 full-time and 25-28 part-time employees, which is supported. A contribution of £10,000 is requested, which would contribute towards local employment and training initiatives.

Accordingly, the proposal complies with the London Plan 2008 Policies 3B.1 and 3B.11.

**7) S17 Crime & Disorder Act**

It is considered that the proposal would not have any detrimental impact upon community safety and is therefore acceptable on these grounds.

## **8) Consultation Responses**

### Greater London Authority

In addition to the points raised above, which have been comprehensively addressed, this planning application, as part of the consultation process was referred to the GLA under Category 1E of the Town and Country Planning (Mayor of London) Order 2008. The GLA has concluded in the Stage 1 Report [appended] three main issues to be addressed:

- Access: The number of wheelchair accessible rooms should be increased.
- Climate change mitigation and adaption: Further information and revision of the energy strategy is required.
- Transport: Provision of on-site disabled parking space, secured cycle parking for staff, electric vehicles charging points, a revised survey on trip generation and improvements to the travel plan are necessary.

In response to these three issues:

- Access: The applicant has now provided in excess the number of ambulant rooms [10% as opposed to 5% originally] and continues to conform to the number of wheelchair accessible rooms [5%] in accordance with Approved Document M of The Building Regulations 2000]. Accordingly, the proposal is considered acceptable on these grounds.
- Climate change mitigation and adaption: The applicant is preparing an updated energy strategy report due for completion for the beginning of October. This will be referred to the GLA for approval. The current energy strategy report is considered acceptable at a local level.
- Transport: The applicant has provided one on-site disabled parking space and secured cycle parking for staff to the rear of the site in the parking area. A revised survey on trip generation and improvements to the travel plan has also been provided. Accordingly, the proposal is considered acceptable at a local level.

This application will be referred back to the GLA under Article 5(2) of the Town and Country Planning (Mayor of London) Order 2008 for the Stage 2 report.

### Other Consultation Responses

15 representations received [seven supporting and five objecting to the proposal] on the following grounds:

#### Support

- Economic benefits;
- Hotel demand;
- Increase vitality / vibrancy in town centre; and
- Employment opportunities.

Object

- No demand for hotel;
- Loss of existing B1 employment;
- Increased competition; and
- Excess number of hotels in existence.

In response to the objections received, Travelodge will be occupying the development. The acceptability of the loss of B1 business floorspace is acceptable for the reasons stated earlier in this report. Economic competition is not a material planning consideration. The proposal would enhance the vibrancy and vitality of Harrow Town Centre, which is encouraged.

## **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 No construction / works in connection with the proposed development shall be carried out before 0800hrs or after 1800hrs on weekdays and any time on Saturdays, nor at any time on Sundays or Bank Holidays.

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)

(c) the boundary treatment

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

REASON: To safeguard the appearance of the locality.

4 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.

5 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements shall be erected / displayed at the hotel hereby approved without the prior written permission of the Local Planning Authority.

REASON: To enable the Local Planning Authority to ensure that any such adverts are carried out in a manner which will not be harmful to the character and appearance of the development or the locality.

6 Prior to first operation of the development, details of a lighting scheme for the development including hours of operation shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To meet the needs for safety and security for users of the site.

7 The development shall provide for people with mobility impairments, to gain access to and egress from the building within the need to negotiate steps. The development shall not be occupied or used until the works have been completed and thereafter permanently retained.

REASON: To ensure that the development will be accessible for people with disabilities.

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

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

9 The development hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number(s) PL11A 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.

10 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.

11 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.

12 Prior to commencement of development, details of measures indicating a reduction in carbon dioxide emissions of at least 20% from on-site renewable energy generation unless it can be demonstrated that such provision is not feasible is submitted to and approved in writing by the local planning authority. The details as approved shall be implemented prior to first use of the development and thereafter permanently retained.

REASON: In the interest of sustainability, improving energy efficiency and increasing the proportion of energy used generated from renewable sources.

## **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:

The London Plan [2008]:

2A.8 Town Centres

3A.3 Maximising the potential of sites

3B.1 Developing London's economy

3B.11 Improving employment opportunities for Londoners

3C.2 Matching development to transport capacity

3C.21 Improving conditions for walking

3C.23 Parking strategy

3D.7 Visitor accommodation and facilities

4A.3 Sustainable design and construction

4A.4 Energy assessment

4A.7 Renewable energy

4B.1 Design principles for a compact city

4B.2 Promoting world-class architecture and design

4B.5 Creating an inclusive environment

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

S1 The Form of Development and Pattern of Land Use

D4 The Standard of Design and Layout

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

EM24 Town Centre Environment

R15 Hotels and Guest Houses

C16 Access to Buildings and Public Spaces

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:

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

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

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

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering.

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### 4 INFORMATIVE:

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

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

### 5 INFORMATIVE:

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

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.

7 INFORMATIVE:

With regard to water supply, this comes within the area covered by the Three Valleys Water Company, PO Box 48, Bishops Rise, Hatfield, Herts AL10 9AL. 01707 268111.

**Plan Nos:** PL00, PL01, PL02, PL03, PL04, PL05, PL06, PL07, PL08, PL11, PL11A, PL12A, PL13A, PL14A, PL15A, PL16A, PL17A, PL18A, PL19, PL20, PL21, PL22, PL23 and PL30.

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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**Item: 2/01**  
**136 KENTON ROAD, HARROW, HA3 8AZ P/0837/09/ML/E**  
Ward KENTON WEST  
CHANGE OF USE FROM RETAIL TO RESTAURANT (CLASS A1 TO A3)

**Applicant:** Mr Jaswant Singh  
**Agent:** Anthony Byrne Associates  
**Statutory Expiry Date:** | 09-JUN-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 use proposed would be appropriate in this Local Centre and would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers, and the character of the area.

Harrow Unitary Development Plan (2004):  
D4 Standard of Design and Layout  
EP25 Noise  
EM18 Designated Shopping Frontages of Local Centres  
EM25 Food, Drink and Late Night Uses  
T13 Parking Standards  
Supplementary Planning Document 'Access for All' (2006)

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

- 1) Retail Policy (EM18, EM25)
- 2) Residential Amenity and Accessibility (EP25, EM25, 'Access for All' SPD)
- 3) Parking and Highway Safety (D4, EM18, EM25, T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

### INFORMATION

This application was deferred from the meeting of 9<sup>th</sup> September 2009 for further information to be provided in relation to how the retail assessment of Kenton Local Centre had been conducted, which was as follows. Schedule 7 of the HUDP sets out the method for applying the change of use of shops policy Para 1.1 of the Schedule confirms that 'Only premises within the parades identified in this Schedule and shown on the Proposals Map as either Primary, Secondary (Metropolitan or District Centre) or Designated (Local Centre) frontage will be included in the calculation.

It is confirmed that the application site is within the designated frontage of Kenton Local Centre comprising 136-204 Kenton Road, as specified in Section 4 of Schedule 7. This frontage is shown on the Proposals Map, and it is only in relation to the composition of this frontage that the assessment of the application can be carried out.

Historically, regard has not been had to the composition of frontages in neighbouring boroughs.

**a) Summary**

Statutory Return Type: Change of Use  
Council Interest: None

**b) Site Description**

- Three-storey end-of-terrace retail property selling Plumbing, Timber and Building products on the north-eastern side of the junction of Kenton Road and Carlton Avenue.
- The site is identified in the Council's retail statistics as Nos.136 and 136A Kenton Road, although the units operate as one.
- The western side of the property along Carlton Avenue is single storey and a single storey element projects to the rear beyond the main two and three-storey building along Kenton Road.
- The single storey rear element is currently used as loading bays. The area to the rear of the single storey rear projection is used as a parking space for the neighbouring shops.
- The first and second floors of the property have been converted to flats, following the implementation of planning permission P/40/04/DFU.
- The site is within Kenton Local Centre's Designated Shopping Frontage comprising the parade 136-204 Kenton Road.
- There is an access door in the return frontage along Carlton Avenue leading to a stairway to the residential units on the first and second floors.
- There is residential accommodation above most of the shops along this parade.
- There are secondary accesses to the residential units above at the rear of the site.
- The immediate parade Nos.136-160(even) which is located between Carlton and Mayfield Avenues comprises the following uses:

<b>Number(s)</b>	<b>Use</b>	<b>Use Class</b>
136	Plumbing, Timber and Building Products	A1
138	Internet Cafe	A1
140	Photo Shop	A1
142-144	Bathrooms/Kitchens	A1
146	Estate Agents	A2
148	Gift Shop	A1
150	Building Society	A2
152	Grocers	A1
154	Delicatessen	A1
156	Restaurant	A3
158-160	Physiotherapy Clinic	D1

- Commercial properties on the opposite side of Kenton Road are within the London Borough of Brent.

**c) Proposal Details**

- Change of use from retail to restaurant (Class A1 to Class A3).
- 40 covers are proposed.
- There would be 3 full time staff and 6 part time staff.
- An originally proposed rear extract flue has been deleted from this application.

**d) Relevant History**

EAST/172/93/FUL	CHANGE OF USE: CLASS A1 TO A3 (RETAIL TO PRIVATE MEMBERS CLUB)	REFUSED 21-JUN-93 APPEAL DISMISSED 21-JAN-94
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**Reasons for Refusal:**

The proposed change of use would lead to the unacceptable loss of a retail shop to the detriment of the vitality and character of the district centre contrary to the policies of the HBLP and HUDP.

EAST/618/93/FUL	CHANGE OF USE FROM CLASS A1 TO CLASS A3 (RETAIL TO PRIVATE MEMBERS CLUB)	REFUSED 26-JAN-94
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**Reasons for Refusal:**

The proposed change of use would lead to the unacceptable loss of retail floorspace to the detriment of the vitality and character of the district centre contrary to the policies of the HBLP and HUDP.

P/40/04DFU	CHANGE OF USE: FIRST / SECOND FLOOR OFFICES (CLASS A2) TO THREE SELF-CONTAINED FLATS (CLASS C3)	GRANTED 22-MAR-04
P/0271/09	INCREASE IN ROOF HEIGHT OF SINGLE STOREY REAR EXTENSION	GRANTED 17-APR-09

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- Design and Access Statement submitted.

**g) Consultations:**

- *Brent Council* – No objections.

**Notifications:**

Sent: 13

Replies: 9

Expiry: 14-MAY-09

**Summary of Responses:**

*Traffic/Parking*

Existing problems with access into and out of Carlton Avenue, blocking driveways, cars parking on double yellow lines; 3000 sq ft restaurant and pub with approximate seating capacity of 150 will cause parking problems on adjacent roads; Customers for Lancer pub (which will reopen in July), Premier and Travellers Inn and Pradip Restaurant also park nearby; Parking dispute regarding rear service area; No place to load and offload; Carlton Avenue is in a controlled parking zone.

*Health & Safety*

Problem with rats at all properties using the service yard; No objection if applicants take full responsibility of clearing the yard, makes alternative arrangements for waste disposal and contract a pests removal company.

*Noise & Disturbance*

Will cause further potential noise and disturbance from traffic or car parking; Increase noise levels through the evening; Lancer resulted in higher cases of violence and disturbance being reported; Violent incidents to increase if granted.

*Character and appearance*

Abundance of pubs and restaurants on Kenton Road, many problems arising from these; Will impact the character of the area; Reason submitted for recessionary period is not a valid reason, statistics prove restaurants are closing at a faster rate than retail outlets; Need stronger retail and not a road where every shop is a restaurant and parking is a mile away; Parade currently has prominent shops which have been doing good business for more than 5-10 years; Currently the rear yard is not monitored and that has lead to fly tipping and vehicles being dumped. Increase in litter and foot fall.

*Extract*

Extract flue will pollute air and smell rear yard and neighbouring properties; No objection if installed adjacent to Carlton Avenue and not service yard; Size and height of extract will restrict light into 2 Carlton Ave.

**APPRAISAL**

**1) Retail Policy**

This application seeks permission for the change of use of 136 Kenton Road from A1 to A3. This would result in a reduction in the amount of retail frontage of 11.4m, bringing the total percentage of non-retail frontage in the centre to 29.2%. Policy EM18 permits the change of use of retail units in designated shopping frontages of local centres on the proviso that this would not lead to the length of frontage in non-retail use at street level in the centre exceeding 30% of the total. In this regard the proposal would be acceptable and in terms of some of the other caveats of this policy the proposal would also be in compliance, including the use being appropriate to a town centre and retaining an appropriate frontage. A harmful concentration of non-retail uses would not be created by the proposed change of use, the adjacent 4 units to the east having retail uses.

It is therefore considered that, subject to the conditions proposed, this change of use would not detrimentally harm the vitality of this Local Centre or be detrimental to the retail character of the area.

**2) Residential Amenity and Accessibility**

The principle of the change of use of this site is considered not to be detrimental in terms of its impacts upon the amenities of neighbouring residential occupiers. The site is located on a busy road which is classified as a London Distributor Road in the Council's UDP.

Given the current levels of activity and ambient noise levels it is considered that the impacts of any activity associated with the proposed use would be acceptable in this location.

In terms of accessibility, the unit has level access at present and as no significant changes are proposed in relation to the shopfront this situation would remain the same. The submitted plans show the provision of a wheelchair accessible WC.

**3) Parking and Highway Safety**

There is no objection to the proposed change of use on highway grounds, the site being located in an accessible location in terms of public transport. Off-street parking is available nearby, the rear service yard providing access to the site but no parking at present. Overall, it is considered that the proposed use can be adequately serviced without causing harm to highway safety and convenience.

**4) S17 Crime & Disorder Act**

The proposal is considered not to have any detrimental impacts with respect to this legislation.

**5) Consultation Responses:**

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

- *3000 sq ft restaurant and pub with approximate seating capacity of 150 will cause parking problems on adjacent roads* – The size of the proposed seating area is approximately 167m<sup>2</sup> (1800sq ft), accommodating approximately 40 covers. This application relates only to a change of use to a restaurant, not to a drinking establishment.
- *Parking dispute regarding rear service area* – (This is a civil matter.)
- *Carlton Avenue is in a controlled parking zone* – The majority of Carlton Avenue has no parking restrictions.
- *Health & Safety* – A condition is suggested requiring all storage is within the buildings, this should help ensure the development would not add to current infestation problems.
- *Extract* – This element of the proposal has been deleted and so these comments are not directly relevant to the revised proposal. However a suggested condition requires the submission of details for any works relating to the future provision of extraction and ventilation facilities.
- *Currently the rear yard is not monitored and that has lead to fly tipping and vehicles being dumped. Increase in litter* – These are issues which should be reported to Environmental Health.

- *Violent incidents to increase if granted* – It is considered that a restaurant would not necessarily lead to an increase in public disorder, and that licensing and other legislation would ensure the acceptability of the proposal in this regard.

## **CONCLUSION**

This proposal for the change of use of the site to a restaurant (Class A3) does not conflict with the relevant non-retail policy EM18 of the UDP (2004). The site is located in a sustainable location and it is considered that the proposed use would not have an adverse impact upon local residential amenity. Details of ventilation and ducting will be safeguarded by condition if permission is granted.

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

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

3 Storage shall not take place anywhere within the application site except within the building(s).

REASON: To safeguard the amenity of neighbouring residents.

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

10.30 hours to 23.00 hours, Monday to Saturday inclusive, and 10.30 hours to 22.30 hours on Sundays, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

5 The development hereby permitted shall not commence until details of any external works required for ventilation and fume extraction have been submitted to, and approved in writing by, the local planning authority. The use shall not commence until those external works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To safeguard the visual amenity of neighbouring residents and the appearance of the building.

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

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

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

EP25 Noise

EM18 Designated Shopping Frontages of Local Centres

EM25 Food, Drink and Late Night Uses

T13 Parking Standards

Supplementary Planning Document 'Access for All' (2006)

### **2 INFORMATIVE:**

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

### **3 INFORMATIVE:**

The applicant's attention is drawn to the Council's policy to encourage developers to provide facilities for the separate storage and collection of different colour bottles for the purpose of recycling. The applicant should also note that such collections are carried out free of charge by the Council. Storage arrangements should be agreed with the Council's Cleansing and Transport Services Manager.

Plan Nos: 5535/1 Rev.B; 'Existing Side Elevation'; 'Existing Ground Floor Plan';  
'Existing Front Elevation'; 'Existing Rear Elevation'; Design & Access  
Statement

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21 AVONDALE ROAD, HARROW, HA3 7RE

Item: 2/02  
P/1455/09/LM/C

Ward MARLBOROUGH

CONSTRUCTION OF TWO STOREY DETACHED BUILDING TO PROVIDE TWO SELF CONTAINED FLATS WITH TWO PARKING SPACES

**Applicant:** Mr Ciaran Horohoe  
**Agent:** David R Yeaman & Associates Architects  
**Statutory Expiry Date:** | 20-AUG-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:

London Plan

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

3A.5 – Housing Choice

Harrow Unitary Development Plan

C16 – Access to Buildings and Public Spaces

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

H10 – Maintenance and Improvement to Existing Housing Stock

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

Supplementary Planning Guidance (2003) “Designing New Development”

Supplementary Planning Document (2006) “Accessible Homes”

Conversion of dwellinghouses to flats – Informal Guidance (2009)

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

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### MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1 Character and Appearance of the Area (HUDP D4, SPG)
- 2 Flats and Residential Amenity (London Plan 3A.5, HUDP D5, D9, D10, H10 & SPD)
- 3 Traffic and Highway Safety/Parking and Access (HUDP C16, T6 & T13)
- 4 S17 Crime & Disorder Act (HUDP D4)
- 5 Consultation Responses

### INFORMATION

This application is reported to the Committee due to the recommendation of an Elected Member.

#### a) Summary

Statutory Return Type: Minor Dwellings  
Council Interest: None

**b) Site Description**

- Wedged shaped site of 270m<sup>2</sup>, located on a bend within a cul de sac. Property is a two storey end of terrace dwellinghouse with a gable end roof located on the southern boundary of the property.
- Dwellinghouse has a single storey rear extension and single storey side extension and attached garage.
- Existing dwellinghouse is located to the front of the site (but still set away from front boundary by approximately 7.0m).
- Area of open space around existing dwellinghouse is approximately 490m<sup>2</sup> and includes several trees and a greenhouse and outbuilding.
- Subject site has a rear garden which adjoins the rear boundary of nos. 46 – 54 Sancroft Road, to the east.
- Neighbouring property to the north, nos. 67-87, on Archery Close, comprises three storey residential apartment blocks and communal open space.
- Neighbouring property to the west, no. 20, is a two storey end of terrace dwellinghouse with a single storey side to rear extension including an attached garage, on the boundary with the subject site.
- The attached neighbouring property to the south, no. 22, has a rear dormer.
- Planning permission P/1805/06 was granted on the 16<sup>th</sup> November 2006, for a two storey side, single and two storey rear extensions and conversion of existing house to two self contained flats and construction of a new detached four-bedroom dwellinghouse. This permission has not been implemented.

**c) Proposal Details**

- Construction of new two storey detached building to provide two X 2 bedroom self contained flats.
- The proposed building would have a staggered front and rear elevations. The front main elevation would have a width of 4.8m. It would then be set back 1.13m for a width of 1.18m (front porch entrance). It would then be set back a further 1.8m for a width of 3.37m.
- The proposed flank wall would measure 9.36m. It would be set away from the boundary of the residential apartments, nos. 67-87 on Archery Close, by 4.65m. The proposed flank wall would be 4.11m from the boundary with no. 20 Avondale Road.
- On the average, the proposed rear elevation would be set back from the east boundary by 4.83m for a width of 4.85m. It would then be recessed for a depth of 4.58m (total depth of 9.41m from the east boundary) and would have a further width of 4.66m.
- The south elevation (towards no. 21) would measure 7.62m and would be located approximately 3.43m from the flank wall of no.21.
- Proposed front elevation of the new building would be set behind the front main wall of no. 21 by approximately 6.0m.
- Proposed new building would have the same building footprint and would be in the same location as the detached building granted under planning application P/1805/06. The material differences are;

- On front elevation, reduction in width of two storey front porch from 2.2m to 1.2m and additional door with ground floor window on recessed front elevation.
- On rear elevation, change of sliding double doors to window
- On north facing flank elevation, removal of two ground floor windows.
- On south facing flank elevation (facing no. 21), removal of only window (at first floor).
- Proposed two self-contained flats would consist of;  
Ground Floor Flat: Three Person, Two Bedroom Flat
  - Living Room/Dining/Kitchen: 30.3m<sup>2</sup>
  - Bedroom 1: 14.2m<sup>2</sup>
  - Bedroom 2: 7.0m<sup>2</sup>First Floor Flat: Four person, Two bedroom Flat
  - Living Room/Dining/Kitchen: 30m<sup>2</sup>
  - Bedroom1: 12.9m<sup>2</sup>
  - Bedroom 2: 10.8m<sup>2</sup>
- Two off street parking spaces proposed for the flats.
- Refuse bins are proposed to be located in the far end of the front garden behind the proposed parking spaces.
- Private amenity space, with individual access, for both ground floor and first floor flats (60m<sup>2</sup> and 66m<sup>2</sup> respectively).
- Proposed bike shed store adjoining north facing flank wall.

#### **Revisions to Current Application**

- Enlargement of access width from Avondale Close to 2.4m (as in the approved scheme).

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

P/3117/05/CFU	EXTENSION AND CONVERSION OF EXISTING HOUSE TO 2 FLATS AND CONSTRUCTION OF NEW BLOCK OF 3 FLATS, PARKING AT REAR	REFUSED 28-MAR-06
P/1805/06	TWO STOREY SIDE, SINGLE AND TWO STOREY REAR EXTENSIONS AND CONVERSION OF EXISTING HOUSE TO TWO SELF-CONTAINED FLATS; CONSTRUCTION OF NEW DETACHED DWELLINGHOUSE (4 BEDROOM)	GRANTED 16-NOV-06

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

- Refer to Design and Access Statement

#### **g) Consultations**

- **Highways:** No Objection
- **Waste Management Officer:** No comment

#### **Notifications:**

Sent: 38

Replies: 2

Expiry: 18-AUG-09

**Summary of Responses:**

- Narrow road and parking difficulties due to congestion

**APPRAISAL**

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

The principle of a two storey detached building within this site was found to be acceptable in the planning application P/1805/06 granted 11<sup>th</sup> November 2006. The previous permission included extension and conversion of to the existing dwellinghouse to two flats and the construction of a new detached property containing two flats. The current application proposes only a new detached dwellinghouse only and no extensions to the existing dwellinghouse. There are material differences to the proposed building in comparison to the approved building. However, it is considered that these differences do not substantially affect the overall bulk, building footprint or general design of the previously approved detached dwellinghouse. The overall ridge height of the previously granted detached dwellinghouse and the proposed detached property are the same. The front porch area of the proposed new property has been reduced by half the floor area compared to the previously approved detached dwellinghouse.

Notwithstanding the above, the front and rear garden would measure 58m<sup>2</sup> and 120m<sup>2</sup> respectively. As such, the proposed new building would have an adequate area of open space around the existing dwellinghouse as the subject site is large (approximately 490m<sup>2</sup>) and it is considered that the proposed building design would allow for openness around the building.

The bulk, scale and design of the proposed building is considered to be in keeping with the surrounding area. The proposed building would have the same overall height as other properties within the streetscene. It would be set back from the road which would ensure that the proposed new building would not be a dominant feature within the cul-de-sac and would not adversely impact upon the existing building line at the end of the cul-de-sac. While it is acknowledged many of the properties within the streetscene are terraced properties and the proposed building is detached, it is considered that a balance and symmetry would be achieved by the proposed building at the end of the cul-de-sac as a detached two storey building is currently located in the opposite bend of the cul-de-sac at no. 24 (being no. 24A and 24B).

Overall, it is considered that the proposed new building would be in keeping with the character and appearance of the area and would be consistent with the objectives of Policy D4 of the HUDP and the SPG.

**2) Flats/Building Residential Amenity**

Two Storey Detached Building

Relationship to Adjoining Boundaries

The flank wall of the proposed building, which would incorporate a ground floor and three first floor windows, would be located approximately 4.65m from the boundary adjoining the block on Archery Close. The area directly adjoining this boundary with the application site comprises communal open space. The flank wall of the proposed building would front onto the flank wall of one of the blocks of flats which contain two first floor obscure glazed window serving bathrooms.

Given that these windows would provide light to non habitable rooms, it is considered that the proposed building would not have an undue detrimental impact on overlooking or privacy to the adjoining flatted development.

The front elevation is located approximately 6.0m from the boundary adjoining no. 20 and a further 3.0m from the flank wall of the dwellinghouse at no. 20. It is considered that this distance is sufficient to mitigate any adverse impact on privacy and overlooking concerns of the first floor front wall windows.

The nearest part of the proposed rear elevation is located approximately 4.4m from the boundary with nos. 46 – 54 Sancroft Road for a width of 4.85m. A further 4.66m width of the proposed recessed part of the rear wall would be located 9.5m from the boundary with these properties. The rear part of the proposed development would not have any windows at first floor level and as such it is considered this would not give rise to any undue overlooking or loss of privacy to adjoining neighbours. The recessed part of the rear wall has three first floor windows serving the living room, however it is considered that the 10m distance would mitigate any potential overlooking and loss of privacy.

No windows are proposed on the flank elevation of the proposed building facing no. 21. As such, there would be no overlooking and loss of privacy concerns in respect of this property.

Overall it is considered that the proposed new building would not give rise to an undue detrimental impact upon the adjoining neighbouring properties in respect of overlooking and loss of privacy and would comply with Policy D5 of the HUDP.

The proposed new building would comply with the 45 degree code as stated within the Council's SPG. It would be set behind the dwellinghouse at no.21. However, it would be sited north of this property. As such, it would not result in undue loss of light or overshadowing to no. 21. It is considered that the proposal would not result in overshadowing of, or loss of light, to the communal garden of the adjoining block of flats.

#### Internal Arrangement

The ground floor flat would consist of a three person, two bedroom flat. The proposed rooms would comply with the Council's guidelines. The ground floor would provide for adequate Lifetime Homes standards including a level entrance, to rear amenity space and acceptable circulation throughout the ground floor.

The first floor flat would consist of a four person, two bedroom flat. The layout and the total habitable floor area of the first floor flat complies with the Council's room size standards.

The proposed stacking is considered acceptable as all similar rooms are located above each other.

The proposal is considered acceptable and complies with London Plan policy 3A.5 and Policies D4 and D5 of the Harrow UDP.

#### Private Amenity Space

Policy D5 of the UDP relates to amenity space and privacy and seeks to ensure that all residential development should provide private adequate garden space, which is sufficient as a usable accessible amenity area for the occupiers of the development. The rear garden is large (approximately 120m<sup>2</sup>) and would be subdivided and fenced into two separate areas for the ground floor flat and the flat above. The ground floor flat would have access to a private amenity space of 66m<sup>2</sup> accessed from the rear of the living room. The flat above would have access to a private amenity space to the north of 60m<sup>2</sup> and would be accessed via the side access. These are considered sufficient and have been adequately shown on the plans submitted.

#### Trees and Forecourt Greenery

Paragraph 4.21 of Policy D4, recognises the contribution front gardens can make to the character of an area or locality. The LPA will seek their retention, reinstatement and enhancement in proposals as stipulated in Policy D9. This is to ensure that the greenery of the front gardens is enhanced to improve the appearance of the development and the street scene. Given the wedge shape of the property, there is very little scope for front garden greenery due to the access way and parking spaces. However, the application has proposed small areas of landscaping in the front garden. It is considered that the proposed front garden layout would not be detrimental to the appearance of the property as general landscaping has been shown. A detailed landscape plan would need to be submitted showing details of hard and soft landscaping works in order to ensure that a high quality of forecourt greenery would be provided to meet the objectives of policies D4 and D9. This has been addressed by a condition.

No trees are to be removed by this proposed application.

#### Refuse Storage

Policy D4 also refers to the storage of refuse and waste and states that this should not be to the detriment of the visual and residential amenities or detrimental to the character of the area. In accordance with the Council's Code of Practice for the storage and collection of refuse and materials for recycling in domestic properties, a total of 6 bins would be required for the proposed development. The proposed refuse bins would be located in the front garden/flank boundary of the proposed new building. The storage area would be located approximately 26m from the front boundary of the property and would not be readily visible from the streetscene. It is considered that the proposed storage of the refuse bins in the front garden of the proposed new building would not be out of character with the surrounding area. The proposed bins would adjoin the boundary with no. 20. However the bins would be up against the flank wall of the existing garage and as such it is considered that the proposed bins would not have a detrimental impact on the residential amenities of adjoining neighbours and would comply with Policy D4 and D5 of the HUDP.

### **3) Traffic, Highway Safety/Parking and Access**

The proposal allows for two off street car-parking spaces to be provided. One of the spaces is able to accommodate Lifetime Home requirements. This is considered acceptable. No objection has been raised from the Highways Engineer in terms of parking or vehicular access. The Council's HUDP policies support sustainable development and the restricted use of private cars.

It is considered that one off street parking space per flat is acceptable and would not lead to any greater congestion on Avondale Road to what currently exists. It is therefore considered that the proposal would comply with Policy T6 and T13 of the Harrow Unitary Development Plan, 2004.

**4) 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.

**5) Consultation Responses**

These matters, related to traffic congestion and parking, have been addressed within the body of the recommendation.

**CONCLUSION**

It is considered that the proposed new detached dwellinghouse providing for two self contained flats would not have a detrimental impact upon the character and appearance of the area, the residential amenities of adjoining neighbouring properties and future occupiers of the proposed two self contained flats. It is also considered that the proposal provides for adequate parking and vehicular access and makes satisfactory provision for refuse storage and front garden greenery. 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):

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

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

2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s), other than those shown on approved plans shall be installed in the flank, rear and front 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 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/fencing

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.

4 Notwithstanding the forecourt details shown on the approved plans, 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.

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

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

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

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

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

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

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

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

## **INFORMATIVES**

1 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.5

HUDP C16, D4, D5, D9, D10 H10, T6, T13,

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

Supplementary Planning Document (2006) "Accessible Homes"

Conversion of dwellinghouses to flats – Informal Guidance (2009)

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

3 **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: 772/001 Rev D, 002 Rev A and Design and Access Statement

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**9 EASTERN AVENUE, PINNER, HA5 1NU**      **Item: 2/03**  
**P/1239/09/EJ/E**  
Ward      PINNER SOUTH  
SINGLE STOREY SIDE TO REAR EXTENSION; EXTERNAL ALTERATIONS

**Applicant:** Mr Zahir Khan  
**Agent:** Mr Michael Burnand  
**Statutory Expiry Date:** | 27-JUL-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, D5 and SPG - Extensions: A Householders Guide (2008).

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## MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

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

## INFORMATION

This application is reported to the Committee as a petition of 30 signatures opposing the proposal was received.

This application was deferred from the committee meeting on 9<sup>th</sup> September 2009 for a Members' site visit which took place on 23<sup>rd</sup> September.

### a) Summary

Statutory Return Type:      Householder  
Council Interest:              None

### b) Site Description

- The subject site is located on the southern side of Eastern Avenue, the property contains a two storey semi detached dwelling, it has not been extended in the past.
- The neighbouring site to the west, no. 11 Eastern Avenue, it is located on the corner of Eastern Avenue and Hawlands Drive, it is a two storey semi detached property and shares a party wall with the subject dwelling. This property has a single storey rear extension to the western side of the dwelling.
- The neighbouring site to the east, no. 7 Eastern Avenue, is a two storey semi detached dwelling with an outbuilding in the rear garden.
- The surrounding area is characterised by two storey semi detached dwellings.

### c) Proposal Details

- To construct a single storey side to rear extension
- The proposed single storey side extension would project 2.2m from the flank wall of the existing dwelling and would extend to the eastern side boundary.

- It would extend from the main front wall of the dwelling and would project 3.5m past the main rear wall of the dwelling. The rear element would have a width of 3.5m as the proposed extension would follow the slightly wedge/irregular shaped boundary.
- The single storey rear extension would have a hipped roof with a height of 2.85m at the eaves and a height of 3.3m at the midpoint of the pitch.
- There would be a window in the front and rear elevation and a door in the western side elevation of the proposed rear element.
- The existing detached garage in the rear garden would be demolished

**d) Relevant History**

- None

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- None

**g) Consultations:**

The Pinner Association: No response

**Notifications:**

Sent: 5

Replies: 2

Expiry: 07-JUL-09

1 petition containing 30  
signatures objecting to  
the proposal

**Summary of Response:**

- Dispute over boundary between neighbours
- Loss of light and overshadowing to neighbouring dwelling
- Removal of garage would result in loss of parking
- Any maintenance to the proposed extension would have to be done over neighbours land
- Ventilation would result in cooking smells extracted to neighbouring property
- The proposed side extension could result in a fire risk
- Would not be in keeping with the surrounding areas, many dwellings have space to the side
- The proposed extension would create terracing affect in the streetscene

**APPRAISAL**

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

The proposed single storey side to rear extension would not detract from the character and appearance of the surrounding residential area. The proposed extensions have been designed so that materials match the existing dwelling.

It is considered that the single storey side to rear extension would reflect the character of the existing dwelling and area, it is a standard type of extension and would accord with the policies of the Harrow UDP and the SPG.

## **2) Residential Amenity**

Due to the positioning and design of the proposed single storey side rear extension it is considered that it would not cause any unreasonable loss of amenity to surrounding neighbours.

The SPG outlines that single storey rear extensions should be to a depth of 3m on semi detached dwellings and have a maximum height of 3m at the midpoint of the pitch. Although the proposed rear element would have a depth of 3.5m and would exceed 3m in height it is considered that it would not have an unreasonable effect on the amenity of the neighbouring properties.

The proposed rear element would be sited 5.55m away from the shared boundary with no. 11 Eastern Avenue this distance would ensure that it would not result in any unreasonable effect on the residential amenity of this dwelling.

It is considered that the proposed single storey side to rear extension would not have an unreasonable effect on the amenity of no. 7 Eastern Avenue. The dwelling at no. 7 is set away from the shared side boundary and it is considered that due to the separation distance of at least 2 metres the proposed single storey side extension would not result in any unreasonable loss of amenity.

There is an obscure glazed flank window on the ground floor of the dwelling at no. 7 Eastern Avenue which serves the kitchen, as this room is also served by larger windows to the rear it is considered to not be protected. Notwithstanding this, when the vertical 45° code (paragraph 3.14) is applied from this flank window the proposal would not interrupt the 45° splay. It is therefore considered there would not be an unreasonable loss of light or outlook to the side window.

The proposed side extension would not have any windows to the flank wall and therefore there would be no loss of privacy to no. 7. The depth of the single storey rear element would be set away from the dwelling at no. 7 by approximately 5m. The SPG requires that rear extension should be limited to a depth of 3m, paragraph C.5 outlines that where a greater depth is acceptable the additional element should be set away from the boundary with an attached dwelling by twice the amount of additional depth - the 'two for one' rule. As the extension would be set approximately 5m away from the dwelling with no. 7 Eastern Avenue it is considered that the extra depth of 0.5 and height would not result in an unreasonable loss of light or amenity to this neighbouring property.

There would be no loss of privacy to any neighbouring properties, any overlooking from the proposed windows on the rear elevation would be at oblique angles over neighbouring rear gardens.

It is considered that the proposal would have no material effect on the residential amenities of the neighbouring properties, and that the proposal would be compliant with the policies of the Harrow UDP and Supplementary Planning Guide: Extensions (2008).

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses:**

- Boundary disputes are not within the remit of the council it is a civil matter
- Neighbouring amenity (loss of light) is dealt with in section 2 of the report
- Character of the area is dealt with in section 1 of the report
- The removal of the garage is not assessed in this report as it is not part of the application. The outbuilding can be removed under permitted development rights.
- Ventilation pipe location - this is outside of the remit of planning control and would be a matter for the Environmental Health department and Building Control
- Traffic and Parking – this application relates to a dwellinghouse. Accordingly, the requirement for parking spaces would remain the same as the existing situation for a single family dwellinghouse
- Fire risk – this is outside the remit of planning control and would be a matter for the Building Control Department

**CONCLUSION**

It is considered that the proposal would have no material effect on the residential amenities of the neighbouring properties, and that the proposal would be compliant with the policies of the Harrow UDP and Supplementary Planning Guide: Extensions (2008).

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

REASON: To safeguard the appearance of the locality.

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

REASON: To safeguard the amenity of neighbouring residents.

## **INFORMATIVES**

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

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

Supplementary Planning Guidance: Extensions: A Householders' Guide (March 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: 1704/A, and site plan

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**112 UXBRIDGE ROAD, HARROW WEALD, HA3 6TR**      **Item: 2/04**  
**P/1591/09/GL/C**

Ward      HARROW WEALD

VARIATION OF CONDITIONS 3 (PERMEABLE PAVING IN FRONT GARDEN) AND 7 (DETAILS OF RETAINING WALL) OF PLANNING PERMISSION P/3558/08 DATED 27-MAR-09 FOR RETENTION OF DETACHED TWO-STOREY DWELLINGHOUSE WITH ROOMS IN ROOFSPACE; TIMBER DECKING AT REAR AND PROPOSED ALTERATIONS TO GARDEN LEVELS; LANDSCAPING

**Applicant:** Mr Jay Dadhania

**Statutory Expiry Date:** | 01-OCT-09

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### **RECOMMENDATION**

GRANT permission for the variation of the conditions as described in the application and submitted plans

### **REASON:**

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

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

EP12 – Control of Surface Water Run-Off

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### **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Area, Amenity (D4, EP12)
- 2) S17 Crime & Disorder Act (D4)
- 3) Consultation Responses

### **INFORMATION**

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

#### **a) Summary**

Statutory Return Type: Minor Dwellings

Site of Importance for Borough Importance Grade II (adjacent)

Nature Conservation

Area of Special Harrow Weald Ridge (adjacent)

Character

TPO 490

Council Interest: None

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

- The original house has been demolished and the replacement dwelling has been constructed and is now occupied
- The site is located on the north side of Uxbridge Road.
- To the rear of the site is the Harrow Weald Lake. There is no direct access to the lake from the subject site.

Item 2/04 : P/1591/09/GL/C continued/...

- The house to the east No. 110 has had many extensions carried out over the years 1975-2004.
- There is a driveway running along the east boundary of the subject site leading to No. 110A.
- No. 110A is a bungalow situated to the rear of the subject site, to the east of the lake. Planning permission to build this house was granted in 1982/83.
- The house to the west No. 114 has recently been built to replace the house existing there previously. This house was granted planning permission in the application EAST/581/00/FUL in 2000.

**c) Proposal Details**

- Variation of Conditions 3 (Control of surface water run-off in front garden) and 7 (Retaining wall) to allow details to be approved following occupation of the property rather than prior to occupation.

**d) Relevant History**

P/1673/07/DFU	Redevelopment to provide detached two storey house with rooms in roof space (revised).	GRANTED 06-AUG-07
P/3558/08	Retention of detached two-storey dwellinghouse with rooms in roof space; timber decking at rear; alterations to garden levels; landscaping	GRANTED 27-MAR-09

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- None

**g) Consultations**

Drainage Engineers: Cross section details of interface between block paving and landscaped areas required; clarification of surface drainage in blockwork required.

**Notifications:**

Sent : 8

Replies : 2

Expiry : 02-JUL-09

**Summary of Responses:**

- Objection to applicants having occupied the property before all conditions precedent were discharged.

**APPRAISAL**

This application is required as the original conditions are no longer capable of being discharged as occupation of the property has commenced.

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

The proposal would not have an impact on the character or appearance of the area, or on residential amenity.

The house as constructed has the benefit of planning permission and is considered acceptable.

Conditions attached to the grant of planning permission for the retention of the house, timber decking and alterations to garden levels required that details of permeable paving in the front garden (Condition 3) and a retaining wall adjacent to the driveway leading to No. 110a Uxbridge Road (Condition 7) be submitted and approved prior to the occupation of the dwellinghouse.

However, occupation of the property has now commenced and those conditions as originally written cannot be discharged. Planning legislation does permit the retrospective granting of planning permission. Failure to comply with conditions precedent does not, of itself, render the substantive development unlawful provided that the conditions can be varied to allow for discharge within the duration of the planning permission.

The works required by these conditions are still required. A system for either porous paving or provision for surface water run-off in the front garden or a porous or permeable area within the site is required to ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

The retaining wall adjacent to the driveway of No. 110a Uxbridge Road is required to ensure the stability of that driveway.

The applicants have submitted details of a scheme to direct surface water into a permeable area within the front garden area which would have been considered sufficient to discharge condition 3.

The applicants have submitted details of a retaining wall which would have been considered sufficient to discharge condition 7.

As the details supplied are considered acceptable the submission of this application for variation of those conditions allows the local planning authority to vary the condition such that the works required be completed within three months to ensure that the required works are completed with the minimum of delay.

**2) S17 Crime & Disorder Act**

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

**3) Consultation Responses**

Planning legislation allows for the variation and retrospective discharge of conditions, as discussed in the Character and Appearance of the Area section above.

## **CONCLUSION**

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

## **CONDITIONS**

1 The hard surfacing hereby permitted shall be constructed in accordance with details shown in drawing number 112UR/CON 3-7 Rev 1 within three months of the date of this permission and shall thereafter be retained.

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

2 The retaining wall indicated on the Proposed Landscape Plan – Drawing No. 112UR/PLP05/1009 – at the rear of the house and adjacent to the east rear garden boundary with the driveway to No. 110A Uxbridge Road shall be constructed in accordance with details shown in drawing number 112UR/CON 3-7 Rev 1 within three months of the date of this permission and shall thereafter be retained.

REASON: To safeguard the character of the locality and 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, EP12

2 INFORMATIVE:

The applicants are advised that if the works are not completed within the timescale specified, then the development would become unlawful, which could result in enforcement action being taken against the development.

3 INFORMATIVE:

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

Plan Nos: Site Plan; 112UR/CON3-7 Rev 1

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**294 UXBRIDGE ROAD, HATCH END**

**Item: 2/05**

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

Ward HATCH END

CONTINUED USE OF GROUND FLOOR AS MIXED A1/A3 USE AND FORECOURT SEATING AREA (110 COVERS) AND EXTRACT FLUE

**Applicant:** Mr A Surace

**Agent:** JPB ARCHITECTS

**Statutory Expiry Date:** | 19-MAY-09

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### **Background**

The application was deferred from the 9<sup>th</sup> of September and the 22<sup>nd</sup> July 2009 Planning Committee for further clarification regarding the proposed and existing use of the unit, which is currently operating as a mixed A1/A3 use. The applicant was not in a position to provide further clarification in respect of the status of the external seating area and there was a potential landownership issue plus the applicant also proposed further internal changes which had not been the subject of further neighbour consultation. On this basis the committee did not have all the necessary facts to formally determine the application.

During the course of the submission of this application, the applicant refurbished the ground floor of the property and commenced operating alongside an A1 delicatessen use, a café and restaurant from the premises installing an enclosed outdoor seating area to the front and along the side of the premises. The outdoor seating to the front of the site was outside the defined application site as submitted by the applicant creating doubts about the extent of ownership. In addition, while a retail element had been included within this scheme the internal layout was different from the drawings submitted with the application. Therefore committee members requested clarification on what was being sought as part of the proposed development.

With respect to the site area, a plan from the land registry office has been provided to show that the area to the front of the site is within the applicant's ownership. Revised drawings of the internal layout have been provided inline with the current layout. Additional drawings have now been submitted detailing the outdoor seating area, this includes elevations of the means of enclosure and seating layout. As a result of the defining of the revised site area and amendments to the internal layout scheme the application has been subject of a further neighbour consultation. Any additional consultation responses will be reported via an addendum.

The outdoor restaurant seating area (62 covers) to the side and front of the site and located under a retractable canopy are considered to be an appropriate form of development within the street scene and the Hatch End local shopping area. The amended internal layout provides an acceptable mix of part retail and restaurant use (48 covers and sofa seating) and officers consider that this mixed use would that would contribute to the vitality and viability of the local shopping area. As discussed in the body of the report the impact of the outdoor seating area can be controlled satisfactorily by condition restricting the hours of use of this area, and preventing further encroachment upon the remaining forecourt area.

## **RECOMMENDATION**

The existing development involves the beneficial use of a former vacant unit into a mixed A1/A3 restaurant use, i.e. with an element of A1 use a shop front and external seating area. The continuation of this use will contribute towards the needs of locals and visitors to the area. It would also 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 was 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 involves an mixed A1/A3 use 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 110 covers is proposed at the rear half of the ground floor unit and within the outdoor door seating area to the front and side 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.
- A fixed wall like structure approximately 1m in height surrounds the north and eastern side of the unit enclosing the outdoor seating area.
- A sail type canopy has been installed along the northern and eastern elevations of the shop just above the top of the ground floor windows.

**d) Relevant History**

LBH/42676	Change of Use retail A1 to A3 Wine Bar	REFUSED 13-MAY-91 DISMISSED 31-OCT-91
WEST/44322/92/FUL	Change of use retail A1 to A3	REFUSED 16-03-92 DISMISSED 23-OCT-92
EAST/163/94/FUL	Change of use retail A1 to A3	REFUSED 10-OCT-94
WEST/1227/02/FUL	Change of use A1 to restaurant/gelateria	REFUSED 04-MAR-03 ALLOWED 06-NOV-03

P/2030/04/CFU	Change of use retail A1 to public house A3 as part of ground floor	REFUSED 09-DEC-04 DISMISSED 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 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 110 covers. 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: 9 Expiry: 17-APR-09

6 objections, includes 2  
from the Hatch End  
Association  
2 in support  
Sent: 110 Replies: Expiry: 13-OCT-09

**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.

The unit has been used as a café for more than a month; Little evidence of retail use and no window displays; No bakery and in excess of 30 seats inside the unit Enclosed terrace that could accommodate 40-50 customers outside, this area is within the forecourt area and should be part of a new application

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 which does not need permission and 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.

The fixed wall like enclosures that surround the outdoor seating area are considered to be acceptable form of development with respect to the existing building and within the Hatch End local shopping area. No details have been provided of the existing retractable canopy, accordingly a condition is recommended requesting details of the retractable canopy to be submitted and approved by the Local Planning Authority.

It is considered that the proposed extractor flue, sail type canopy and fixed seating enclosure would not be harmful to the character or appearance of the existing building or 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 48 customers and the use of the outdoor seating area (62 covers) would be controlled by conditions restricting the hours of use. These measures would help to limit the impact on neighbouring properties in terms of general disruption and noise. The proposed use would 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 an 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.

**7) 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.

**CONCLUSION**

Taking into account the previous appeal decision, the fact that part of the premises will remain in A1 use and subject to strict controls upon the restaurant's hours of use, parking and ventilation details and installation, on balance the proposal is considered acceptable.

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 Full details of the proposed extractor system and external ducting including system specifications, noise output and vibration levels and removal of any redundant extraction equipment shall be submitted to, and approved in writing by, the local planning authority within two months of the date of this decision. 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.

2 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, D7, EM7 and EM18 of the Harrow Unitary Development Plan.

6 The outdoor seating area shall not be open to customers outside the following times: 0930 to 1900 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.

7 Details of awnings shall be submitted to and approved in writing by the Local Planning Authority within two months of the decision date of this decision.

REASON: To safeguard the character and appearance of the building and the locality, in accordance with policy D4 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.

Item 2/05 : P/0555/09/RH/MAJ continued/...

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.04 A, site location map Covering letter submitted 24<sup>th</sup> March 2009; 0903/TP.03 F; 0903/TP.05 B submitted 25<sup>th</sup> September 2009

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**132 BUTLER ROAD, WEST HARROW, HA1  
4DX**

**Item: 2/06**

P/1414/09/EJ/W

WARD WEST HARROW

REDEVELOPMENT OF SITE TO PROVIDE PAIR OF SEMI DETACHED HOUSES  
AND A DETACHED BUNGALOW WITH ACCESS AND PARKING

**Applicant:** R and J Landscapes (London) LTD

**Agent:** Mr Raymond Crosby

**Statutory Expiry Date:** | 11-SEP-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:

The London Plan:

3A.2 Borough Housing Targets

3A.5 Housing Choice

4B.1 Design principles for a compact city

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

T13 Parking Standards

Planning Policy Statement 1: Sustainable

Planning Policy Statement 3: Housing

Supplementary Planning Guidance, Extensions, A householders Guide (2008)

Supplementary Planning Guidance, Designing New Development (2003)

Supplementary Planning Document 'Accessible Homes' (2006)

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## **MAIN CONSIDERATIONS AND POLICIES (2004 UDP)**

- 1) Principle of Development** (London Plan 3A.2, 3A.5)
- 2) Character and Appearance of the Area and Residential Amenity** (D4, D5, D9 & SPG)
- 3) Trees** (D10)
- 4) Contaminated Land** (EP22)
- 5) Creation of a new dwelling** (D4, D5, SPD (2006))
- 6) Accessible Homes** (T13, London Plan Policy 3A.5, SPD)
- 7) Traffic and Highway Safety/Parking**
- 8) S17 Crime & Disorder Act** (D4)
- 9) Consultation Responses**

## INFORMATION

### a) Summary

Statutory Return Type: Minor Dwellings  
Council Interest: None

### b) Site Description

- The subject property is located on the northern side of Butler Road, to the east of the junction with Drury Road. The triangular plot is located to the rear of no. 132 Butler Road and there is an access way which runs adjacent to the eastern side boundary of no. 132.
- The site is currently used as a builders yard and office with single storey buildings and compounds for open storage of materials (Sui Generis use)
- The neighbouring properties to the south, no's 132-140 Butler Road are two storey semi detached properties. The rear boundaries of these properties adjoin the southern boundary of the subject site.
- The neighbouring properties to the east, no's 28 to 48 Drury Road are two storey terraced properties. The rear boundaries of these properties adjoin the eastern boundary of the subject site.
- The neighbouring properties to the west, no's 13 and 15 Wilson Gardens are two storey semi detached properties. The eastern side boundaries of these properties adjoin the western boundary of the subject property.
- The surrounding area is characterised by terraced properties and flats.

### c) Proposal Details

- Demolition of the existing single storey buildings and construction of a pair of two storey semi detached dwellings (dwellings 1 and 2) and one detached bungalow (dwelling 3) with accommodation in the roofspace.
- The pair of semi detached dwellings would be located at the northern end of the site adjacent to the western boundary.
- Dwelling 1 would contain two bedrooms and dwelling 2 would contain 3 bedrooms at first floor level and living area at ground floor level
- The semi detached dwellings would have a maximum height of 7.5m at the highest part of the hipped roof. The proposed dwellings would measure 9.35m wide and 8.5m deep. The semi detached dwellings would be set 1m from the western boundary and 7.664m from the northern boundary.
- Room sizes: (dwelling 1) Kitchen – 6m<sup>2</sup>, living area – 15.52, bedroom 1 – 10m<sup>2</sup>, bedroom 2 – 10.3m<sup>2</sup>, bathroom (first floor) – 3.5m<sup>2</sup>
- Room sizes: (dwelling 2) Kitchen – 5.8m<sup>2</sup>, living area – 16m<sup>2</sup>, bedroom 1 – 13.1m<sup>2</sup>, bedroom 2 – 7.4m<sup>2</sup>, bedroom 3 - 5.7m<sup>2</sup>, bathroom (first floor) – 3.45m<sup>2</sup>
- Bin store – A bin storage area would be provided at the side of each dwelling
- Dwelling 1 would have a rear amenity space of approximately 50m<sup>2</sup>
- Dwelling 2 would have a rear amenity space of approximately 58m<sup>2</sup>
- Dwelling 3: The proposed bungalow would be located adjacent to the southern boundary and would contain two bedrooms, one at ground floor level and one in the proposed loft with living area at ground floor.
- The proposed bungalow would be 6.4m high to the highest point of the ridge, the roof would be hipped. The proposed dwelling would measure 8.5m wide and 9.3m deep. The proposed dwelling would be set 3m in from the southern boundary and 6.561m from the western boundary

- There would be a dormer window to the northern side and eastern side of the bungalow
- Room sizes: (Dwelling 3) bedroom 1 (ground floor) - 12.5m<sup>2</sup>, bedroom 2 (loft) – 13.7m<sup>2</sup>, living room – 17m<sup>2</sup>, bathroom – 3.4m<sup>2</sup>, combined kitchen/breakfast room – 15.5m<sup>2</sup>, the bedroom would be the entire first floor with restricted ceiling height for some of the space.
- Bin Storage would be to the side of the dwelling
- The bungalow would have a side and rear amenity space of 95m<sup>2</sup>
- There would be 5 parking spaces provided on the site, one located between the bungalow and dwelling 1, a space to the flank of dwelling 2 and three spaces along the western boundary of the site
- Access would be via the existing carriageway (width of approx 3m) to Butler Road.

**Revisions to Previous Application:**

Following the previously approved application P/1993/04

- Revised layout of the bathroom to provide more space between bathroom furniture
- Provision of bin storage

**d) Relevant History**

WEST/543/02/OUT	Outline: pair of two storey, 2 bed semi detached houses and detached 2 bed bungalow with access and parking	GRANTED 17-SEP-02
P/1939/03/CFU	Pair of semi detached houses and detached bungalow with access and parking	GRANTED 12-DEC-03
P/1993/04/CFU	Pair of semi detached houses and detached bungalow with access and parking (revised)	GRANTED 09-SEP-04
P/2328/06	Details pursuant to conditions 8 (surface water attenuation), 12 (prevention of water contamination) & 13 (site drainage) of planning permission P/1993/04/CFU dated 9-Sept-2004 for development to provide a pair of semi-detached houses and a detached bungalow	GRANTED 28-FEB-07

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- See Design and Access Statement

**g) Consultations:**

- Highways Engineer: No objection
- Tree Officer: No comment
- Waste officer: no comment

Crime Prevention Design Advisor: I have no objections to the proposed location of this development, however could you please ask that they consult with me with regards to ensuring that the principles of Secured by Design are complied with.

Councils Drainage Engineer:

To the best of our knowledge, the position shown on the sewer map is accurate but should be checked on site by the developer before construction begins.

Also would you please take account of the following comments when considering the application:

**CONDITION:**

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.

**CONDITION:**

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.

**COMMENTS:**

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.

**Notifications:**

Sent: 33

Replies: 2

Expiry: 02-SEP-09

1 objection

1 support

**Summary of Response:**

Loss of light

Concern over security and crime

The proposed dwellings would be within close proximity to neighbouring dwellings

Disruption to Butler Road from increased parking and sewerage works

**1) Principle of Development**

With regard to the Harrow Unitary Development Plan (policies D4 and D5) and the London Plan (policy 4B.1) it is considered that the principle of the proposed development would be acceptable. This application is a resubmission of a previously approved development, reference P/1993/04/CFU, which was approved by the Committee in September 2004. This planning permission has recently expired. It is noted that the access, siting and external appearance have remained unchanged. Minor changes to the floor plans are proposed now to include Lifetime Homes Standards.

The changes in National and Regional Policies have not introduced new standards. The character and appearance of the area and neighbouring amenity have not changed and no new standards have been introduced since the previous planning permission (P/1993/04) and it is considered that the proposed dwellings would have the same impact on character and appearance of the area and residential amenity as it did in the previous scheme.

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

The surrounding area is characterised by a mix of two storey terraced and semi detached dwellinghouses and it is considered that the proposed dwellings would reflect the character and appearance of the surrounding area. The overall arrangement is consistent with the built form and the plot sizes are similar to the size of neighbouring sites. As there has been no change in policies since the granting of the previous scheme it is considered that the scheme would still have the same impact on character and amenity as was assessed in 2004 and therefore a refusal on this basis is unjustified.

Although the site is located behind existing rows of properties and accessed via a drive way, the scheme is considered to not be a backland or back garden development as the subject site is not a rear garden. It's current use as a yard and store (sui generis) has the potential to generate levels of disturbance that is out of character with the surrounding predominantly residential area. The redevelopment of the site to provide three residential dwellings would introduce a use to the site which would be more compatible with the surrounding residential environment.

It is considered that the proposal would not have an unreasonable effect on the residential amenity of the surrounding neighbouring properties. The two storey building (containing dwellings 1 and 2) would be located adjacent to the western side boundary along side the flank wall of no. 15 Wilson Gardens. Paragraph 3.14(i) states that 'no part of any new extension should interrupt a 45° splay drawn on a plan from the nearest first floor or two storey rear corner of any next-door dwelling'. The proposed dwellinghouse would not interrupt the 45° splay when taken from both the front and the rear corner of the dwelling at no. 15 Wilson Gardens and it is considered the proposal would not result in an unreasonable loss of light to this property. There are no windows on the flank wall of no. 15 Wilson Gardens, the proposed dwelling (1) would have two obscure glazed high level windows, one at ground floor and one at first floor level. It is considered that the proposal would not result in any overlooking or loss of privacy to no. 15 Wilson Gardens.

It is considered that the proposed bungalow (dwelling 3) would not have an unreasonable impact on the residential amenity of the neighbouring dwellings along Butler Road (132-140 Butler Road). The side elevation of the proposed bungalow would be located approximately 3m from the rear boundaries of these properties. There would be a separation distance of approximately 10m from the rear of the dwellings along Butler Road to the side of the proposed bungalow and it is considered that it would not result in an unreasonable loss of light to these properties. There would be a high level window located on the flank elevation of the proposed bungalow to serve the proposed kitchen. It is considered that due to the separation distance there would be no loss of privacy to the dwellings along Butler Road.

It is considered that the proposed bungalow (dwelling 3) would not have an unreasonable impact on the outlook from the surrounding dwellings. The subject site is completely flat and is therefore the siting of the bungalow would only be obvious when viewed from neighbouring first floor windows and not at ground floor level. The site circumstances remain unchanged from the previously approved scheme in 2004 and it is considered that the dwelling would not have an unreasonable effect on the outlook from neighbouring dwellings.

All three proposed dwellings would have windows serving the eastern side of the dwellings with the bungalow having a front dormer facing to the east. It is considered that the proposed dwellings would not have an unreasonable impact on the neighbouring properties adjoining the eastern side boundary (no.'s 26-38 Drury Road). There would be a large separation distance of approximately 22m to the rear of the dwellings along Drury Road and it is considered that the proposal would not result in any direct overlooking or loss of privacy to these properties.

It is considered that the proposed dwellings would not have an unreasonable impact on the character and appearance of the area and would not result in the loss of residential amenity to any neighbouring properties and would comply with Policies D4, D5 of the Harrow Unitary Development Plan and the SPG.

### **3) Trees**

There are no trees located on the subject property and two large trees located adjacent to the northern boundary located approximately 9m from the rear of dwellings 1 and 2. The Council's Tree Officer has assessed the application and requires a tree protection plan for the large Ash tree at 24 Drury Road, as the root protection area for this tree would be within the proposed site, this is a requirement of condition 4 of this consent.

### **4) Contaminated Land**

A Contamination report carried out by 'Sitecheck' was submitted in the previous approval of details application P/2328/06 to discharge condition 12 of P/1993/04/CFU. The report concludes that the subject property would not be designated 'contaminated land'. As the condition relating to contamination was discharged it is considered that the proposed residential development on the site would be appropriate and would not prejudice the amenities of the future occupiers of the site. The application would be in accordance with Policy EP22.

**5) Creation of New Dwellings**

Circulation and Layout

The proposed size and layout of the dwellings would be acceptable. It is considered that the overall circulation and layout of the proposal would provide satisfactory living arrangements to all dwellings.

Access to Amenity Space

There would be amenity space to the rear of each dwellinghouse. It is considered that the amount of amenity space for the proposed houses would be comparable to the character of the surrounding area and the layout of the amenity space would be sufficient as a useable amenity area for the occupiers of the proposed development.

Refuse and recycling storage

In accordance with the Councils Code of Practice for the storage and collection of refuse and materials for recycling in domestic properties, a total of three bins would be required for each dwellinghouse. The site plan shows that a bin store capable of storing 3 bins would be located to the side of each dwelling and would not be visible from the street scene. A condition of this consent requires that a bin store is also provided at the top of the shared driveway for collection day and that the bins must otherwise be stored adjacent to the dwellings. It is considered that the proposal would be satisfactory and would comply with policy D4 and that adequate provision has been made for refuse storage.

**6) Accessible Homes**

As this is a new development it is considered reasonable to expect the new dwellings to comply closely with Lifetime Homes standards as found within the 'Accessible Homes' SPD. It is considered that the proposal would meet all of the lifetime homes standards and that it would provide adequate accommodation for future occupants.

**7) Traffic and Highway Safety/Parking**

There is provision for five car parking spaces. The Council's Highways Engineer has assessed the application and has no objection to the scheme.

The applicant has shown that three of the five car parking spaces are capable of extending to a width of 3.3m to accommodate a disabled car parking space, one for each dwelling.

There are also public transport options including the West Harrow Underground Station (approximately 300m from the subject site) and bus routes such as the H11 within close proximity to the property.

**8) S17 Crime & Disorder Act**

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

The Councils Crime Prevention Design Advisor has no objections to the proposed location of this development. A condition of this consent requires that the applicants submit further details regarding security to ensure the dwellings would meet the Secure by Design Guidelines.

9) **Consultation Responses**

- Loss of light – addressed in section 1 of the report
- Concern over security and crime – addressed in section 7 of the report
- Location of dwellings – addressed in section 1 of the report
- Parking – addressed in section 6 of the report
- Sewerage – Dealt with under separate legislation by Building Control
- Disruption during construction works – not a material planning concern. Issue dealt with under Environmental Health legislation.

**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 and Country Planning Act 1990.

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

a: the extension / building(s)

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

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

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

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

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

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

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

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

6 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area beside the dwellings, as shown on the approved drawing(s).

REASON: to safeguard the appearance of the locality.

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 development hereby permitted shall not be occupied or used until the parking spaces shown on the approved plans has been made available for use. The space shall be allocated and retained for use by the occupants of the dwellings hereby approved 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.

9 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.

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

REASON: To ensure that adequate drainage facilities are provided.

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

REASON: To prevent the increased risk of flooding.

12 The 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.

## **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:

The London Plan:

3A.2 Borough Housing Targets

3A.5 Housing Choice

4B.1

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

T13 Parking Standards

Planning Policy Statement 1: Sustainable

Planning Policy Statement 3: Housing

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

Supplementary Planning Guidance, Designing New Development (2003)

Supplementary Planning Document 'Accessible Homes' (2006)

### **2 INFORMATIVE:**

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

### 3 INFORMATIVE:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### 4 INFORMATIVE:

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

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

### 5 INFORMATIVE:

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

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

### 6 INFORMATIVE:

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).

7 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.

Plan Nos: 393/01a, 393/04g, 393/07c, 393/09c, unnumbered plan titled: Land Survey, and Design and Access Statement

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Item: 2/07

**BRADENHAM WORKS, BRADENHAM P/1046/09/NR/E  
ROAD, KENTON, MIDDLESEX, HA3 8NA**

Ward KENTON WEST

REDEVELOPMENT TO PROVIDE SINGLE STOREY DETACHED BUILDING  
CONTAINING BUILDERS WORKSHOP AND STORE (SUI GENERIS)

**Applicant:** Terry & Stephens Ltd

**Agent:** Towers Associates

**Statutory Expiry Date:** | 27-JUL-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, the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging more efficient use of land and the provision of small business units, as well as to all relevant material considerations including recent appeal decisions and any comments received in response to publicity and consultation:

### **National Planning Policy**

PPS1 Delivering Sustainable Development

### **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

EM12 Small Industrial Units and Workshops

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

EM22 Environmental Impact of New Business Development

EP25 Noise

T13 Parking Standards

T15 Servicing of New Developments

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

- 1) Principle of Development (PPS1)
- 2) Character and Appearance of the Area (4B.1; D4, SPG:Extns)
- 3) Residential Amenity and Environmental Impact (EM22, EP25, SPG:Extns)
- 4) Employment Policy (EM12, EM15)
- 5) Traffic and Parking (T13, T15)
- 6) Accessibility (C16, SPD : Access)
- 7) S17 Crime & Disorder Act (D4)

**8) Consultation Responses**

**INFORMATION**

This application was deferred by the Planning Committee on the 9<sup>th</sup> September 2009 for a Members' Site Visit. This site visit took place on Wednesday the 23<sup>rd</sup> September 2009.

**a) Summary**

Statutory Return Type: Minor Office, Retail and Distribution

Council Interest: None

**b) Site Description**

- The site comprises a single-storey garage, wooden shed and small yard in use as a builder's store, on the east side of Bradenham Road.
- The site lies between Wykeham Road and Boxmoor Road and the rear gardens of No.54 Wykeham Road and Nos.55 and 57 Boxmoor Road back onto the site.
- Access to the site is via an existing vehicle crossover to Bradenham Road.
- On the opposite side of the road are the rear gardens of properties on Brampton Grove and a row of terraced dwellings fronting onto Bradenham Road.
- The area immediately surrounding the site is characterised by the ends and sides of the rear gardens of neighbouring properties.
- A number of single storey garages and outbuildings occupy the rear gardens of neighbouring properties, including those in the rear gardens of Nos.55 and 57 Boxmoor Road, which abut the application site.
- The wider area is suburban in character, comprising residential dwellings.

**c) Proposal Details**

- Demolition of existing buildings on site and construction of single-storey replacement building containing builders workshop and ancillary store (Sui Generis).
- The proposed building would have a larger footprint than the existing buildings, with a depth of 10.5 metres and a width of 6.4 metres.
- The building would be set back 1.2 metres from the highway boundary.
- The building would have a flat roof design with a maximum height of 3.66 metres to parapet level.
- The building would comprise a workshop, a materials storage area and a disabled staff toilet.

**Revisions to Previous Application (ref P/0911/07):**

- Roof design altered to a flat roof. Previous proposal was for a pitched roof up to a ridge height of 5.6 metres and an eaves height of 2.6 metres.

**d) Relevant History**

LBH/651	Garage and builder's store	REFUSED 28-OCT-65
EAST/26547/84 /CLE	Established use certificate: Builders store and yard	GRANTED 12-FEB-85
P/2236/04/DFU	Two storey workshop building (class B1)	REFUSED 28-OCT-04

Item 2/07 : P/1046/09/NR/E continued/...

P/2757/05/DFU	Two storey building for workshop and storage with integral garage	REFUSED 16-JAN-06 APPEAL DISMISSED 15-JUN-06
P/0911/07	Single storey detached building to provide workshop and storage facilities	REFUSED 17-MAY-07 APPEAL DISMISSED 17-MAR-08

Summary of Inspector's decision:

The Inspector concluded that the proposal would be harmful to the character and appearance of the area, by reason of excessive scale.

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- Design and Access Statement.

**g) Consultations:**

**Notifications:**

Sent: 17

Replies: 8

Expiry: 29-JUN-09

**Summary of Response:**

- Workshop use would be inappropriate in a residential area.
- Increase in noise and disturbance, particularly at unsocial hours.
- A skip is often placed on the road creating rubbish.
- Unacceptable increase in levels of activity.
- Concerns about the possible use of chemicals and other dangerous materials/processes that may cause pollution.
- Congestion and parking problems will increase.
- No parking provision on site.
- Concerns over additional works traffic.
- Proposed building would be out of character with the area.
- Reduction in light levels and overlooking of neighbouring properties.
- Impact on views.
- Concerns over dust and dirt.
- Concerns about arrangements for waste storage and disposal.
- Deeds and covenants.
- Impact on property values.
- Concerns about materials being stored on the roof of the buildings and loss of privacy from workers using the roof.

## **APPRAISAL**

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

The principle of the business use on this site is established, given the established use certificate granted in 1985 for the use of the property as a builder's store and yard (EAST/26547/84/CLE). The proposed building would be used in connection with the current lawful use of the site and given the Sui Generis nature of the use could not be used for any other purpose without the grant of planning permission for a change of use. In these circumstances a condition to restrict the use of the building is not required.

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 reiterated in London Plan policy 4B.1, which aims to maximise the potential of sites. The site currently comprises two run-down buildings, which are no longer fit for purpose. Given the above conclusions, it is considered that redevelopment to serve the existing use would be appropriate in principle.

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

The application proposes to replace the existing storage building and wooden office building with a larger single-storey brick workshop and store, which would cover almost the entire site area. The proposed building would have a flat roof with parapet walls to a maximum height of 3.66 metres.

The previous application (ref P/0911/07) proposed a building with a similar footprint, but with a steeply pitched roof to a ridge height of 5.6 metres. The application was refused on character and appearance grounds. In determining the resulting appeal, the Inspector commented that the proposed building 'would not have the scale of an ancillary domestic building, which is characteristic of the road, but would appear incongruous and would have a harmful effect on the character and appearance of the area'. The revised proposal incorporates a significantly lower roof height and therefore a reduced bulk. The proposed building would only be approximately 500mm higher than the adjacent ancillary garage in the rear garden of No.57 Boxmoor Road and it is therefore considered that the building would have a scale and appearance of an ancillary domestic building, which are typical features at the end of rear gardens in the locality. The building would also be sited 1.2 metres back from the footway, thereby reducing the prominence of the structure.

The proposed redevelopment would also have the benefit of removing the existing run-down buildings and unsightly outside storage, thereby improving the appearance of the site. In summary, it is considered that the revisions made to the proposal satisfactorily address the Inspector's concerns as stated in the previous appeal decision. In line with the Inspector's conclusion, a condition is imposed requiring details of a refuse storage area to be submitted and approved prior to construction. The proposal would therefore have an acceptable appearance and would comply with UDP policy D4.

Given that the proposed building would have the same footprint along the boundary with No.52 Wykeham Road (the eastern boundary of the site) as the existing building, it is considered that the proposal would not adversely affect the two third party trees of amenity value (one ash and one oak) in the rear garden of this property. Although the existing and proposed use as a Builders workshop and store does not fall into these use classes it is considered appropriate given the nature of the proposal to assess whether the proposed development would comply with the spirit of this employment policy.

### **3) Residential Amenity and Environmental Impact**

UDP policy EM22 states that 'the Council, in considering applications for all business, industrial and warehousing (B1, B2, B8) development, and redevelopment, will pay due regard to' a number of criteria.

Criterion A concerns the potential impact on the amenity of adjoining properties and on the character of the area. As discussed above, the proposed building is considered to have an acceptable impact on the character of the area. The existing use as a builders store is established on the site. The proposed building would be sited 14.5 metres from the main rear wall of the nearest residential property at No.54 Wykeham Road. Given the modest scale of the building, it is considered that the proposal would not result in an unacceptable loss of light or outlook to the occupiers of that property. The proposed building would be substantially screened from Nos.55 and 57 Boxmoor Road due to the existence of detached ancillary buildings within these rear gardens, and given the siting of the building along the side boundary and approximately 17 metres from the rear wall of No.52 Wykeham Road, it is considered that the structure would not result in any undue amenity impacts to the occupiers of that property. Concerns have been raised about overlooking. However, no flank windows are proposed and a condition is imposed to ensure the roof area is not used as an amenity or storage area, thereby alleviating the existing issues arising from workmen accessing the roof of the building in connection with its use for storage.

Criterion B is concerned with noise, smoke and pollution emissions. The proposed building would comprise a workshop and store. As discussed above, the use is established on site. The proposed building would cover the existing open storage area and would therefore result in an increased floor area. In determining the previous appeal, the Inspector concluded that the proposed increase in building floorspace, which has not changed in this proposal, would not result in a material intensification of use, because it would merely enclose a yard currently used for storage. The Inspector went on to state that 'the substitution of external for internal storage would reduce potential noise and disturbance to local residents as would a purpose-built building with a cavity wall'. It is also considered that the more substantial building proposed would reduce any potential adverse impacts from smoke and other pollutants.

Given the Inspector's conclusion on this issue, it is considered that the proposed brick building would result in a reduction in noise emissions as compared to the existing situation, especially as a condition is suggested requiring details of sound insulation to be submitted and approved prior to commencement of works, as mentioned by the Inspector in determining the previous appeal.

Conditions are also imposed requiring all storage to take place within the building and to restrict hours of use, in response to concerns raised by neighbours. It is therefore considered that the proposal represents an opportunity to gain control over this established use in the interests of the amenities of neighbouring occupiers and this would be a significant benefit of the proposal. The proposal is therefore considered to satisfy criterion B.

Criterion C concerns the ability of the surrounding roads to accommodate the traffic generated by the proposal and the accessibility of the site. The proposal would result in the loss of the open storage yard and does not allow for an off street car parking space. However, in determining the previous appeal, the Inspector concluded that it is 'unlikely that a service yard would be used for this purpose [parking], but in any case my site inspection and the submitted photographs do not indicate that the displacement of one vehicle onto the street would raise issues of highway safety or congestion'. Servicing currently takes place from the street and the proposal includes a vehicle access door. However, servicing occurs from the road at present and, given the Inspector's conclusion that the proposed building would not materially intensify the use of the site, it is considered that there would be no additional impact on highway safety.

Criterion D concerns the loss of land from another use which other policies seek to protect. The business use of the site is existing and established as a builder's store. The Council's employment policy (EM15, discussed in more detail below) aims to retain land in business use. As the proposal is for a replacement workshop and storage building, the proposal would not result in the loss of business use land.

Criterion E is concerned with the expected energy use and reliance of fossil fuels. Given the scale of the operation proposed, it is considered that the proposal would not give rise to significant concerns in this respect.

In summary, it is considered that the proposal would not be detrimental to the amenities of the occupiers of neighbouring residential properties and would not give rise to adverse environmental impacts. The proposal satisfies all the criteria of UDP policy EM22 and is therefore considered acceptable in this regard.

#### **4) Employment Policy**

As discussed above, UDP policy EM15 resists the loss of land in B1, B2 or B8 uses outside designated areas. The proposal would comply with the spirit of this policy by not resulting in the loss of employment land and the proposed workshop would consolidate the use of the site by improving the standard of accommodation.

UDP policy EM12 states that 'the Council will encourage the development of industrial units of up to 1,000m<sup>2</sup>, subject to the criteria set out in policy EM22. As discussed above, the proposal meets the criteria of policy EM22. It is therefore considered that the proposal would make a positive contribution by providing facilities for a small employment unit.

**5) Traffic and Parking**

As discussed above, it is considered that the proposal would not give rise to highway safety concerns.

The application proposes a vehicle access door, which would be approximately 1.2 metres from the boundary with the footway. There is a possibility that an 'up and over' garage door would overhang the footway, leading to pedestrian safety concerns. A condition is therefore imposed to ensure that a roller shutter door is installed and thereafter retained.

**6) Accessibility**

The proposed building would incorporate level access to an accessible main entrance door and wheelchair accessible toilet is provided within the building. The proposed workshop would therefore be fully accessible and would comply with UDP policy C16 and the Councils Supplementary Planning Document: Access For All.

**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:

- A skip is often placed on the road creating rubbish: The provision of a skip on the road would be a matter for the Council's Highways Department.
- Impact on views: 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.
- Deeds and covenants: These are not material planning considerations, being civil matters.
- Impact on property values: This is not a material planning consideration.

**CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, the recent appeal decisions relating to similar developments, the acknowledged benefits of the proposal in relation to the provision of small business units and the improvement of the appearance of the site and reduction of adverse impacts on the amenities of neighbouring residents, as well as 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 use hereby permitted shall not operate outside the following times:-  
08.00 hours to 18.30 hours, Monday to Friday inclusive,  
09.00 hours to 13.00 hours on Saturdays,  
without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

4 The development hereby permitted shall not commence until detailed particulars of the levels of noise to be generated in the building, of the provision to be made for the insulation of the building against the transmission of noise and vibration by reason of granting this permission, shall be 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 that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of neighbouring residents.

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

REASON: To safeguard the amenity of neighbouring residents.

6 The roof area of the building hereby permitted shall not be used as a storage or amenity area, without the grant of further specific permission from the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

7 The vehicle access doors on the front (west) elevation of the development hereby permitted shall be of roller shutter type. Any future replacement doors shall be installed in accordance with details submitted to, and approved in writing beforehand, by the local planning authority and shall thereafter be retained as approved.

REASON: To ensure that the proposed development does not prejudice the safety of pedestrians on the footway.

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 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.

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

REASON: To ensure that adequate drainage facilities are provided.

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

REASON: To ensure that adequate drainage facilities are provided.

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

REASON: To prevent the increased risk of flooding.

## **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: 2551-05 Rev A; 2551 SK1; Design and Access Statement

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**410 UXBRIDGE ROAD, PINNER, HA5 4HP**      **Item: 2/08**  
**P/1267/09/LM/C**

Ward HATCH END

USE OF 408 AND 410 UXBRIDGE ROAD AS RESTAURANT (USE CLASS A3); EXTERNAL AND INTERNAL ALTERATION TO FORM ONE UNIT; NEW SHOP FRONT; NEW TILED CANOPY; USE/EXTENSION OF PART OF PUBLIC HIGHWAY OUTSIDE 408 UXBRIDGE ROAD AS EXTERNAL SEATING AREA INCLUDING NEW DECKING, NEW 1.1M HIGH EXTERNAL SEATING ENCLOSURE (RAILINGS)

**Applicant:** Mr Oliver Khoo

**Agent:** Khoo Design

**Statutory Expiry Date:** | 19-AUG-09

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### **RECOMMENDATION**

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

Harrow Unitary Development Plan:

D4 - The Standard of Design and Layout

D5 - New Residential Development – Amenity Space and Privacy

D7 – Design in Retail Areas and Town Centres

D25 – Shopfronts and Advertisements

T6 – The Transport Impacts of Development Proposals

T13 – Parking Standards

EM18 – Change of Use of Shops – Designated Shopping Frontages of Local Centres

EM24 – Town Centre Environment

EM25 – Food, Drink and Late Night uses

C16 – Access to Buildings and Public Spaces

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

- 1) Character and Appearance of the Area and Residential Amenity (D4, D5, D7 and D25)
- 2) Change of Use (EM18, EM24, EM25)
- 3) Traffic, Parking and Access (T6, T13 and C16)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

### **INFORMATION**

This application is reported to the Committee by the request of an Elected Member.

#### **a) Summary**

Statutory Return Type:      Minor Retail and Distribution and Services

Council Interest:              None

**b) Site Description**

- The premises are located on the northern side of Uxbridge Road and are each occupied by adjacent two storey mid terrace properties. Both 408 and 410 have been previously utilised as restaurants at ground floor and flats above. No. 408 is currently vacant and no. 410 has large board fence around the ground floor shop frontage.
- Both these properties have designated shopping frontages and are located within the Hatch End local centre.
- Uxbridge Road is a London Distributor Road.
- The area is characterised by commercial units on ground floor and residential properties above. Several restaurants, cafes and takeaways within Uxbridge Road have outdoor seating areas and canopies over.

**c) Proposal Details**

- Use of ground floor of nos. 408 and 410 as a single unit to be used as a restaurant (Use Class A3).
- Proposed outdoor seating area extending 4.0m from the shop front wall for the full width of both properties. Outdoor seating area would be surrounded by a 1.1m high open slat steel railings with a central gap allowing pedestrian access via a ramp up to a central entrance door.
- Proposed new green tiled canopy on shop frontage extending full width of both properties. Proposed canopy would be located 2.26m above ground level and would have a height on the fascia of 0.7m and would extend out from the front wall 1.2m.
- Existing side entrance to flats above retained.
- Proposed three ground floor kitchen/storage rear windows measuring 0.6m by 0.5m and are obscure glazed.
- No on site parking provided for customers or staff.
- There is an existing rear servicing area to the rear.

**Revisions to Current Application**

- Reduction in height of proposed tiled canopy to allow area of fascia board to remain above.

**d) Relevant History (408 Uxbridge Road)**

P/1877/06	CHANGE OF USE FROM A2 TO A3 (RESTAURANT) ON GROUND FLOOR, SINGLE AND 3 STOREY REAR EXTENSIONS AND CONVERSION OF 1ST & 2ND FLOORS TO TWO SELF-CONTAINED FLATS WITH ACCESS VIA EXISTING FRONT DOOR	GRANTED 14-DEC-06
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**e) Relevant History (410 Uxbridge Road)**

LBH/328/3	ALTERATIONS AND ERECTION OF SINGLE STOREY KITCHEN EXTENSION AND PROVISION OF TWO TOILETS	GRANTED 05-MAY-72
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Item 2/08 : P/1267/09/LM/C continued/...

WEST/987/99/FUL	SINGLE STOREY REAR EXTENSION AND ALTERATIONS TO FRONTAGE AND ACCESS TO UPPER FLOOR AT REAR	GRANTED 02-FEB-00
WEST/821/00/FUL	RETENTION OF NEW SHOPFRONT, PROVISION OF RAILINGS AND DOOR AT FIRST FLOOR LEVEL AND CANOPY OVER FORECOURT	GRANTED 15-DEC-00
P/2787/08	SINGLE STOREY REAR EXTENSIONS; NEW SHOPFRONT AND 1 METRE HIGH FORECOURT RAILINGS	GRANTED 09-OCT-08
P/0277/09	NEW THREE STOREY BUILDING AT REAR TO PROVIDE EXTENTION TO RESTAURANT AND ONE FLAT AT GROUND FLOOR LEVEL WITH FIVE FLATS AT FIRST AND SECOND FLOORS; NEW CAR PARKING AT REAR WITH ACCESS FROM WOODRIDINGS CLOSE; CYCLE STORE; LANDSCAPING; DEMOLITION OF EXISTING GARAGES, WORKSHOP AND OFFICE.	CURRENT

**f) Applicant Statement**

See Design and Access Statement.

**g) Consultations**

**Highways Engineer:** There is no objection in principle given the restaurant culture in the area and the ample free parking provided in the nearby council car park.

Hatch End Association:

**Change of Use**

There appears to be confusion about the description 'Change of Use from Retail A1 to Restaurant A3 of No. 408. 408 was until 2006 an Estate Agent's office (A2) for many years; in a letter dated 14 December 2006, we were informed by the Planning Department that planning permission had been granted for Change of Use from A2 to A3 Restaurant on ground floor, single and 3 storey rear extensions and conversion of 1<sup>st</sup> & 2<sup>nd</sup> floors to two self-contained flats with access via existing front door' - Application No P/1877/06 which is still within its three year life

**Tiled Canopy**

We are opposed to the tiled canopy as primarily being out of character in the Local Centre where A3 and A1 premises have retractable, fabric awnings. It appears that its use would be purely decorative as it would not cover the external seating area to give shade or protection against sudden showers.

**Disabled Access**

We consider that the disabled access needs reviewing since a wheelchair having gone up the through the break in the railings, facing the vertical signage panel, would then have to do a very sharp turn to get through the opening door.

**Signage P/0951/09**

We consider the two illuminated signs 'Recipe', on the railings, are too obtrusive, being too large, and at the proposed level, possibly being distracting for passing motorists.

**Environmental Health Officer:** No Response

**Crime Prevention Design Advisor:** No Response

**Notifications:**

Sent: 12

Replies: 1 (Hatch End Expiry: 21-JUL-09  
Association)

**Summary of Responses:**

- See above Consultation response from Hatch End Association

**APPRAISAL**

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

The proposed external alterations consist of three new w/c ground floor windows in the rear elevation, a new tiled canopy, shop front and proposed seating area on the pavement outside nos. 408 and 410 including 1.1m high steel railings around.

The proposed new 35m<sup>2</sup> seating area, outside no. 410 would match, in depth and character, the outdoor seating area at no.408 granted planning permission P/2787/08 in October 2008. The proposed railings are of similar height to other outdoor seated railings within Uxbridge Road and the proposed construction materials (painted steel) is considered appropriate for the area. Given the above, the large width of the pavement area along this part of Uxbridge Road and the other outdoor seating on the pavement of restaurants and cafes along Uxbridge Road, it is considered that the proposed outdoor area would not have a detrimental impact on the character and appearance of the building or the area.

A point raised in an objection stated that the tiled canopy would not be in keeping with the character of the area, as other canopies are canvas, lower in height and cover the outdoor seating area. It is considered that the principle of an overhanging canopy within the frontage of Uxbridge Road is acceptable and would not alter the character of the area. The proposed design, being the tiled canopy would contribute to the interest and vitality of the street scene. It is considered that the depth of the proposed canopy would not be detrimental to the character of the area and the depth of the canopy in regard to customer service is not a material planning consideration.

It is considered that the new shop front is acceptable and would respect the scale, proportions and character of the subject building and buildings within the area. The proposed three ground floor high level windows in the rear elevation would be obscure glazed obviating any overlooking and would respect the character of the building. The windows would be at an oblique angle to neighbouring properties (of which there is no rear garden amenity area). As such, it is considered that the proposed windows would not have a detrimental impact upon the privacy or residential amenities of the adjoining neighbouring properties.

Overall it is considered that the restaurant uses do not involve any additional floorspace and the proposed external alterations would be in keeping with the character and appearance of the building and the area and would be consistent with Policies D4, D5, D7 and D25 of the HUDP.

## **2) Change of Use**

Policy EM18 states that in designated frontages of local centres, the Council will normally only permit retail shops (Class A1 Use) at ground floor level. However, no. 408 has extant permission for class A3 use which has been implemented and no. 410 has a previous history of restaurant use but there is no record of planning permission. (Class A3 Use) were recorded in the 2008 and 2009 Town Centre Survey undertaken by the Council. As such, it is considered that the proposed use of the two premises as a restaurant would not have a material impact on the range of services available within the area taking into account the previous A3 uses.

Furthermore, there are no other non-retail uses located within this parade within the Hatch End local centre and as such the proposed A3 use would not create a harmful concentration of non-A1 uses within the immediate vicinity. It is considered that the A3 use would be appropriate for the location and would not adversely impact upon the retail nature of the local centre to any degree greater than what previously existed and would comply with the objectives of Policies EM18 and EM24.

The proposal has indicated opening hours which are considered to be appropriate for the area given the number of restaurants within the area with similar opening hours. However, a condition is recommended ensuring that the outdoor seating area is more tightly restricted in regards to opening hours to safeguard the residential amenity of the surrounding area given that potential disturbance to neighbours would be more excessive outdoors later at night than indoors. It is considered, therefore, that the proposed use would be consistent with Policy EM25 of the HUDP.

## **3) Traffic, Parking and Access**

There is a public car park within close proximity to the properties. The properties are also located within close proximity to Hatch End overground train station and two bus routes stops are located near the property. The Council's Highways Engineer has not raised any objection. Given the sustainable transport options and public parking spaces available, it is considered that the proposed use would not have a detrimental impact upon highway safety and parking within the area and would be consistent with Policies T6 and T13 of the HUDP.

A ramp has been provided as access from pavement to the restaurants. The proposal is also required to meet the Disability Act requirements given it is a commercial premise frequented by members of the public. As such, it is considered that the proposed use would comply with Policy C16 of the HUDP and would provide adequate access for those requiring it.

**4) 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.

**5) Consultation and Notification Responses**

The matters within the objection, being impact on character, access and the change of use/description confusion, have been addressed both by amended plans and within the appraisal of the above planning report.

The proposed signage is part of a separate Advertisement Consent and does not form a material planning consideration in respect of this application.

**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):

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

Indoor:

a: 11.00 hours to 0.00 hours, Monday to Friday inclusive,

b: 11.00 hours to 0.30 hours on Saturday,

c: 11.00 hours to 0.00hours, Sundays or Bank Holidays,

Outdoor seated area:

d: 11.00 hours to 22.00 hours, Monday to Friday inclusive,

e: 11.00 hours to 22.30 hours on Saturday,

f: 11.00 hours to 22.00hours, Sundays or Bank Holidays,

REASON: To safeguard the amenity of neighbouring residents.

**INFORMATIVES**

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

1 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

D7 – Design in Retail Areas and Town Centres

D25 – Shopfronts and Advertisements

T6 – The Transport Impacts of Development Proposals

T13 – Parking Standards

EM18 – Change of Use of Shops – Designated Shopping Frontages of Local Centres

EM24 – Town Centre Environment

EM25 – Food, Drink and Late Night uses

C16 – Access to Buildings and Public Spaces

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

3 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: AK100, AK001 Rev 0, AK002 Rev D, AK003 Rev B, AK004 Rev C, AK005 Rev C and Design and Access Statement

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**408 AND 410 UXBRIDGE ROAD, PINNER, HA5 4HP**

**Item: 2/09**

**P/0951/09/LM/C**

Ward HATCH END

TWO ADVERTISEMENT (NON ILLUMINATED) SIGNS ON FRONT ELEVATION OF OUTDOOR SEATING AREA RAILINGS

**Applicant:** Mr Oliver Khoo

**Agent:** Khoo Design

**Statutory Expiry Date:** | 19-AUG-09

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### **RECOMMENDATION**

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

Harrow Unitary Development Plan: D4

Planning Policy Guidance 19 – Outdoor Advertisement Control (1992)

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### **MAIN CONSIDERATIONS AND POLICIES (2004 UDP)**

- 1) Amenity (PPG19 and D4)
- 2) Public Safety (PPG19)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

### **INFORMATION**

This application is reported to the Committee by the request of an Elected Member.

#### **a) Summary**

Statutory Return Type: Advertisements

Council Interest: None

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

- The two premises are located on the northern side of Uxbridge Road and are each occupied by adjacent two storey mid terrace properties. Both 408 and 410 have been most previously utilised as restaurants at ground floor and flats above. No. 408 is currently vacant and no. 410 has large board fence around the ground floor shop frontage.
- Both these properties have designated shopping frontages and are located within the Hatch End local centre.
- Uxbridge Road is a London Distributor Road.
- The area is characterised by commercial units on ground floor and residential properties above. Several restaurants, cafes and takeaways within Uxbridge Road have outdoor seating areas and canopies over with associated signage.

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

- Two proposed non illuminated signs fixed to 1.1m high railings around an outdoor seating area as part of restaurant.
- Signs would be 2.85m wide and have an overall height of 1.3m from the level of the pavement. A small gap would be located between the bottom of the signs and the pavement.

- Signs would be of rendered concrete painted black with stainless steel lettering.

**Revisions to Previous Application:**

- Removal of illumination of two signs on railings
- Removal of illuminated fascia sign

**d) Relevant History (408 Uxbridge Road)**

P/1877/06	CHANGE OF USE FROM A2 TO A3 (RESTAURANT) ON GROUND FLOOR, SINGLE AND 3 STOREY REAR EXTENSIONS AND CONVERSION OF 1ST & 2ND FLOORS TO TWO SELF-CONTAINED FLATS WITH ACCESS VIA EXISTING FRONT DOOR	GRANTED 14-DEC-06
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**Relevant History (410 Uxbridge Road)**

LBH/328/3	ALTERATIONS AND ERECTION OF SINGLE STOREY KITCHEN EXTENSION AND PROVISION OF TWO TOILETS	GRANTED 05-MAY-72
WEST/987/99/FUL	SINGLE STOREY REAR EXTENSION AND ALTERATIONS TO FRONTAGE AND ACCESS TO UPPER FLOOR AT REAR	GRANTED 02-FEB-00
WEST/821/00/FUL	RETENTION OF NEW SHOPFRONT, PROVISION OF RAILINGS AND DOOR AT FIRST FLOOR LEVEL AND CANOPY OVER FORECOURT	GRANTED 15-DEC-00
P/2787/08	SINGLE STOREY REAR EXTENSIONS; NEW SHOPFRONT AND 1 METRE HIGH FORECOURT RAILINGS	GRANTED 09-OCT-08
P/0277/09	NEW THREE STOREY BUILDING AT REAR TO PROVIDE EXTENTION TO RESTAURANT AND ONE FLAT AT GROUND FLOOR LEVEL WITH FIVE FLATS AT FIRST AND SECOND FLOORS; NEW CAR PARKING AT REAR WITH ACCESS FROM WOODRIDINGS CLOSE; CYCLE STORE; LANDSCAPING; DEMOLITION OF EXISTING GARAGES, WORKSHOP AND OFFICE.	CURRENT

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- See Design and Access Statement

**g) Consultations:**

**Highways Engineer:** No objection.

**Hatch End Association:**

Signage P/0951/09

We consider the two illuminated signs 'Recipe', on the railings, are too obtrusive, being too large, and at the proposed level, possibly being distracting for passing motorists.

**Notifications:**

Sent: 12

Replies: 0

Expiry: 21-JUL-09

**Summary of Response:**

- None

**APPRAISAL**

**1) Amenity**

The surrounding area is comprised of a mix of ground floor retail/restaurants and residential flats above. It is considered that the signs comply with PPG 19: Outdoor Advertisement Control.

As the subject site is occupied by a restaurant use, and the signs would be related to the use on site, it is considered that the signs would not have a detrimental effect on this site. There are residential properties in the vicinity of the subject site. However, as the proposed sign would not project significantly from the railings and would not be illuminated, it is considered that it would not have a detrimental effect on the residential dwellings in the vicinity.

The size of the signs would be in keeping with the context and scale of the surrounding buildings and would be similar to other signage located on outdoor seated areas surrounded by railings within the local shopping centre. It is considered that the scale of the building on the subject site and the railings would be sufficient to accommodate the sign without any adverse effect upon the visual amenity of the area, nor would there be adverse cumulative effects.

**2) Public Safety**

Given the size, the siting and non illumination of the signs, it is considered that the sign would not pose a danger to public safety. They would not be detrimental to the safe use and operation of Uxbridge Road or to drivers and pedestrians, and would not be distracting, nor would they cause confusion to passing drivers. The Council's Highways Engineer has not raised any objection to the proposal.

**3) S17 Crime & Disorder Act**

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

**4) Consultation and Notification Responses**

The matters within the objection, being bulk of signs and traffic hazard, have been addressed both by amended plans and within the appraisal of the above planning report.

The matters regarding change of use, the proposed canopy and disabled access are not planning considerations that form part of this application but rather a concurrent application, planning permission P/1267/09.

**CONCLUSION**

For all the reasons considered above, namely that there would be no adverse visual amenity effects, adverse effects on traffic or public safety 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):

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

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

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

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

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

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

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

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

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

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

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

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

**INFORMATIVES**

**1 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 - The Standard of Design and Layout

Planning Policy Guidance 19 ; Outdoor Advertisement Control (1992)

Plan Nos: AK001 Rev A, AK002 Rev D, AK003 Rev A, AK004 Rev B, and AK100

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Item: 2/10

183 WHITCHURCH LANE, EDGWARE, P/1480/09/NR/E  
HA8 6QT

Ward CANONS

SINGLE AND TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSIONS,  
REAR DORMER, CONVERSION TO FOUR FLATS, EXTERNAL ALTERATIONS

**Applicant:** By Wood Homes (Stanmore) Ltd

**Agent:** Jagdish Tolia Architects

**Statutory Expiry Date:** | 11-SEP-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 recommend grant of planning permission has been taken having regard to the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging more efficient use of land for housing, as well as to all relevant material considerations including the recent appeal decision on a similar proposal and any comments received in response to publicity and consultation.

### National Planning Policy:

PPS1 – Delivering Sustainable Development

PPS3 – Housing

### The London Plan 2008:

2A.1 – Sustainability Criteria

3A.3 – Maximising the Potential of Sites

3A.5 – Housing Choice

4A.22 – Spatial Policies for Waste Management

### 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

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

D18 – Historic Parks and Gardens

H10 – Maintenance and Improvement to Existing Housing Stock

EP25 – Noise

EP43 – Green Belt and Metropolitan Open Lane Fringes

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)

Canons Park Estate Conservation Area Policy Statement

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)**

- 1) Principle of Development (PPS1, PPS3, 2A.1, 3A.3)
- 2) Conversion of Houses and Other Buildings to Flats (D4, H10)
- 3) Character and Appearance of the Area, the Adjacent Conservation Area, Metropolitan Open Land and Historic Park (D4, D9, D14, D15, D18, EP43, SPG:Extns)
- 4) Residential Amenity (D5, EP25, SPG:Extns)
- 5) Traffic and Parking (T13)
- 6) Accessible Homes (C16, 3A.5, 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 Dwellings  
Council Interest: None

**b) Site Description**

- Two-storey detached property on the north side of Whitchurch Lane.
- The application property currently has a two-storey side extension to the western elevation, a single-storey front extension and a single-storey side (eastern elevation) and rear extension.
- The front garden of the property is currently hard surfaced with two vehicular accesses to the highway.
- The rear garden of the application property has a depth of approximately 25 metres and is accessed via a shared passage between the application property and No.185.
- The neighbouring property at No.185, to the west, has a two-storey side extension abutting the side passage and a single-storey rear conservatory extension.
- To the east of the site is Canons Park, which is a designated Historic Park and Garden within the Canons Park Estate Conservation Area and is designated Metropolitan Open Land.
- Whitchurch Lane is a Borough Distributor Road, carrying a substantial amount of local traffic.

**c) Proposal Details**

- Single storey side extension to the Canons Park (east) elevation. The single-storey side extension would replace an existing single-storey structure and would abut the boundary with the park to a height of 2.5 metres, comprising a refuse store.
- Two-storey side extension to the east elevation with an easterly projection of 2.3 metres at eaves level, lining up with the main front and rear walls of the property and incorporating a catslide side roof design.

- Single-storey rear extension with a rearward projection of 2.3 metres beyond the existing rear extension, which measures 4.0 metres, with chamfered end walls, set 4.5 metres from the boundary with No.185 with a height of 3.1 metres with a flat roof
- Rear dormer roof extension set 1.0 metre from the roof edge of the proposed two-storey side extension, 2.2 metres up the roofslope from eaves level, with a width of 2.15 metres and a height of 1.5 metres.
- Conversion to four self-contained two bedroom flats.
- Four parking spaces are proposed in the front garden, including two for persons with disabilities.
- Access to three of the flats would be via the existing front door, with a separate entrance provided on the front elevation, to provide access to one of the ground floor flats.
- The two ground floor flats would have private garden areas, the rest of the garden being shared between the upper floor flats.

**Revisions to Previous Application (ref P/1618/08):**

- Easterly projection of two-storey side extension reduced by 3.0 metres at eaves level at the main front wall of the property and 1.2 metres at the main rear wall of the property.
- Design of two-storey side extension amended from stepped design to catslide.
- Rear dormer roof extensions previously proposed reduced from a sprawling dormer with a total width of 8.0 metres, to a single, smaller dormer, with a width of 2.15 metres.
- Single-storey front extension omitted.
- Refuse storage moved from the rear garden to within the single-storey side extension.

**d) Relevant History**

EAST/337/99/FU	Single storey front and rear, two storey	GRANTED
L	side extension	28-MAY-99
P/1618/08	Single storey front, side and rear, two storey/ first floor side extensions, rear dormers, conversion to four flats with external alterations	REFUSED 26-JUN-08

**Reasons for Refusal:**

- 1) The proposed conversion by reason of its layout, inadequate stacking of rooms and inadequate provision of private amenity space would result in substandard accommodation, to the detriment of the amenities of the intended occupiers, and would result in an over-intensive use of the property which, by reason of increased disturbance and general activity, would detract from the residential amenities of the occupiers of neighbouring properties and the future occupiers of the proposed development, contrary to Policies D4, D5 and EP25 of the Harrow Unitary Development Plan (2004).

- 2) The proposed extensions, by reason of excessive scale and bulk, unsatisfactory design and prominent siting, would have a detrimental impact on the character and appearance of the property, the openness and character of the adjacent Historic Park and Metropolitan Open Land, would fail to preserve or enhance the character and appearance of the neighbouring Canons Park Estate Conservation Area and would be detrimental to the residential amenities of neighbouring occupiers contrary to Policies D4, D5, D12, D15, D18 and EP43 of the Harrow Unitary Development Plan (2004).
- 3) The proposal, by reason of inadequate soft landscaping and an excessive and inappropriate form of hardsurfacing of the front forecourt, would be detrimental to the character and appearance of the property and the street scene, contrary to Policies D4 and D9 of the Harrow Unitary Development Plan (2004).
- 4) The proposed increased intensity of use would result in an unacceptable increase in vehicular activity, to the detriment of the free flow and safety of vehicular traffic and pedestrians on the public highway, contrary to Policy T13 of the Harrow Unitary Development Plan (2004).
- 5) The proposed development, by reason of its lack of provision for people with disabilities and non-compliance with Lifetime Homes Standards would provide substandard accommodation to the detriment of the amenities of future occupiers of the site, contrary to Policy 3A.5 of the London Plan and the 'Accessible Homes' Supplementary Planning Document (2006).

**Appeal: APP/M5450/A/08/2087396**      Appeal Dismissed 15-APR-09

**Summary of appeal decision:**

In dismissing the appeal, the Inspector concluded that the proposed two-storey side extension to the eastern elevation and rear dormer roof extensions would be detrimental to the character and appearance of the adjacent Canons Park. This was the sole reason for dismissal and the Council is required to take into account the conclusions of this decision in determining any similar proposal on the site. Discussion of the Inspectors' conclusions on the relevant issues is undertaken in detail in the Appraisal section.

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- Design and Access Statement.

**g) Consultations:**

**Site Notice (CCA):**                      Posted: 12-AUG-09                      Expiry: 02-SEP-09

**Advertisement (CCA):**                      Published: 06-AUG-09                      Expiry: 28-AUG-09

**Notifications:**

Sent: 17                                      Replies: 3                                      Expiry: 15-SEP-09

**Summary of Response (including response from Canons Park Residents Association):**

- Would be an overdevelopment of the site.
- Would set a precedent to other areas.
- Loss of family dwellinghouse/saturation of flats in the local area.
- Extensions and alterations would be out of character with the area.
- Proposals would adversely affect the character of the adjacent Canons Park.
- Front dormers would be out of character.
- Arrangement of the proposed conversion is poor and cramped leading to noise transmission and would not comply with Lifetime Homes Standards.
- Inadequate and insufficient bin storage.
- Would create an unacceptable level of additional traffic.
- Potential problems with drainage and utilities.
- Impact on local schools and medical facilities.
- Would adversely affect the amenities of neighbouring residents in terms of activity and disturbance.

## **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 this is re-iterated in London Plan policies 2A.1 and 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 a residential dwellinghouse, it is considered to be previously developed land for the purposes of PPS3 and therefore housing development is acceptable in principle. There is no in principle policy objection to the conversion of an existing dwellinghouse to flats.

### **2) Conversion of House and Other Buildings to Flats**

The proposal is to convert this detached dwellinghouse to four 2 bedroom self-contained flats. Two of the flats would be located on the ground floor, one on the first floor and one split over the first and loft floors. In refusing the previous application, the Council raised a number of concerns about the internal arrangement of the proposed flats, as well as the provision of amenity space.

Although the proposed extensions have been reduced in size compared to the previous application, the room sizes of the proposed flats would still be acceptable (room sizes shown in table below). There would however still be a potential conflict between noise sensitive rooms and living areas, by reason of stacking. Although the Council included this as a reason for refusal in determining the previous application, the Inspector in determining the subsequent appeal concluded that sound insulation is a matter for Building Regulations and that the minor stacking issues would not amount to a reason why planning permission should be withheld.

The current proposals would not result in more significant stacking issues as compared to the previous appeal proposal and therefore, given the Inspectors conclusion on this matter, no objection can be raised to the proposed arrangement of the conversion in relation to the amenities of the future occupiers of the proposed flats.

<b>Summary of Floorspace Figures for Proposed Flats</b>			
<b>Flat 1 (GF)</b>	M2	<b>Flat 3 (FF)</b>	M2
Living Area	26.77	Living Area	25.75
Bedroom 1	11.92	Bedroom 1	11.6
Bedroom 2	8.06	Bedroom 2	7.78
<b>Flat 2 (GF)</b>		<b>Flat 4 (FF/Loft)</b>	
Living Area	24.09	Living Area	20.78
Bedroom 1	14.07	Bedroom 1	13.1
Bedroom 2	7.56	Bedroom 2	11.66

It is proposed to divide the garden into three parcels to provide a private garden for each of the two ground floor flats and a shared garden for the two upper floor flats. In refusing the previous application, the Council considered that the communal garden area would be inadequate to serve the two upper floor flats, both of which could potentially be occupied by families. In determining the subsequent appeal however, the Inspector stated that 'I am not persuaded that there is any objection to the sharing of such a space'. Given this conclusion and that the proposed individual garden areas would be of an adequate size, no objection can be raised to the proposed provision of private amenity space.

### 3) **Character and Appearance of the Area, the Adjacent Conservation Area, Metropolitan Open Land and Historic Park**

The property is located at the end of a row of houses on the north side of Whitchurch Lane. Abutting the site to the east is Canons Park, an historic area of open space which forms part of the Canons Park Estate Conservation Area and is also designated Metropolitan Open Land and a Historic Park. The eastern elevation of the property faces the park and is clearly visible in views from along Whitchurch Lane, as well as from within the park itself. At present, the existing catslide roof design reduces the visual impact and bulk of the property in relation to Canons Park and does not intrude into the historic landscape.

The proposed single and two-storey side extensions would extend this elevation towards the park. The proposed two storey side extension would result in a 2.3 metre projection towards the boundary with the park and would incorporate a similar catslide roof design to the existing situation. Compared to the two-storey side extension proposed under the previous application (ref P/1618/08), the current proposal is a significant improvement, with a modest easterly projection resulting in the eaves level of the extension being 1.5 metres from the boundary at its closest point and 4.5 metres from the boundary at the front of the property. Drawing 731/5 Rev B compares the current proposal with the previously refused scheme.

In determining the previous appeal, the Inspector considered that the irregular stepped design of the proposed two-storey side extension would appear contrived and overbearing, and would, to an extent, 'close down the entrance into the park'.

In contrast, the revised two-storey side extension would not have an irregular stepped design, but would continue the existing catslide design, thereby ensuring that the building would still 'lean away' from the park, as the Inspector described in relation to the current situation. In conjunction with the reduction in width of 2.8 metres at eaves level, it is considered that the proposed revised extension would resolve the concerns of the Inspector, would preserve the character and appearance of the adjacent Conservation Area and Historic Park, and would not unacceptably harm the openness of the Metropolitan Open Land.

The proposed extension is also considered to be of an acceptable scale in relation to the size of the property itself and would therefore not be detrimental to the character and appearance of the property.

The omission of the single-storey front extension previously proposed also serves to reduce the overall bulk of the proposed extensions. This part of the proposal is therefore considered to satisfy the Inspectors' concerns and would therefore comply with UDP policies D4, D14, D15, D18 and EP43.

The proposed single-storey side extension attached to the eastern elevation would contain the bin store for the development and would replace an existing lean-to structure of a similar size, abutting the boundary with the park. It is considered that this modest feature, as well as the modest single-storey rear extension, would have an acceptable appearance, would preserve the character and appearance of the adjacent Conservation Area and would not unduly impact on the openness of Canons Park.

The sprawling and bulky roof extensions previously proposed have been omitted in favour of a small rear dormer, which measures 2.15 metres in width and 1.5 metres in height. This dormer would comply with the Council's SPG and would be a similar size to the dormer on the neighbouring property at No.185. It is considered that the amended dormer would satisfy the concerns of the Inspector and this part of the proposal would therefore have an acceptable appearance and would preserve the character and appearance of the adjacent Conservation Area.

### **Waste Management**

Given the four units proposed, 12 refuse bins would be required in order to meet the requirements of the Council's Waste Management Policy Officer.

These bins would be stored within the proposed single-storey side extension, with access from the front. It is considered that the proposed siting of the refuse storage would be acceptable as the bins would be concealed from the street. It is also considered that the bins would be sited an acceptable distance from the flats so as not to inconvenience future occupiers of the building when depositing rubbish. A condition is imposed requiring the bins to be stored in this area, except on collection days. In determining the previous appeal, the Inspector considered that the use of the previously proposed temporary bin store area on the frontage for use on collection days would not have a harmful effect on the streetscene.

It is proposed to re-surface the front garden of the property with a pervious green paving surface such as 'Grasscrete', to provide four parking spaces. UDP policy D9 seeks to resist proposals to hard surface the whole of front gardens. In refusing the previous application, the Council raised concerns about the lack of soft landscaping and also about the nature of the proposed surface itself in terms of achieving an acceptable street scene appearance. However, in determining the appeal relating to this refusal, the Inspector placed weight on the fact that the front garden of the property is currently predominantly hard surfaced. Concluding on this issue, the Inspector considered that this element of the proposal to be 'neutral' and therefore did not raise specific objections. The Inspector also stated that the planting and the type of surface treatment could be dealt with by condition and such conditions are suggested in this respect. Therefore, taking into account the appeal decision it is considered that this aspect of the proposal would not adversely affect the street scene.

It is proposed to install an additional entrance door on the front elevation of the property to provide separate access to one of the ground floor flats. In refusing the previous application, the Council raised concerns about this part of the proposal, as it was felt that the additional door would fail to preserve the appearance of the property as a single-family dwellinghouse. However, in determining the subsequent appeal, the Inspector concluded that the second front door would not be harmful in this context as it would be akin to the appearance of a pair of semi-detached houses. Therefore, whilst noting the Council's previous concerns, it is not considered that the impact of the additional front door on the character and appearance of the property would be such as to warrant a refusal of permission on these grounds.

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

As discussed above, given the Inspectors' conclusions were contrary to the Council's view that the stacking and provision of external amenity space were inadequate, on balance the proposed conversion which reflects the previous refused layout provides an adequate standard of accommodation and would therefore have an acceptable impact on the amenities of future occupiers.

The Council, in refusing the previous application, also raised a concern about the impact of the proposed conversion on the amenities of neighbouring residential occupiers, particularly the adjacent property at No.185, in relation to additional disturbance and general activity.

However, in determining the subsequent appeal, the Inspector commented that 'the property is located on a busy main road and that neither of the front doors would be unduly close to the adjoining property'. The Inspector went on to conclude that there would not be any significant increase in the level of disturbance to neighbours. Given this conclusion, it is considered that no objection is raised to the impact on the amenities of neighbouring residential occupiers, by reason of increased activity and disturbance.

The proposed single-storey rear extension would project 2.3 metres beyond the existing single-storey rear extension and would be centrally located within the plot, 4.6 metres from the boundary with No.185. The proposed extension would not technically comply with the two for one rule from No.185, as set out in the Council's SPG. Although the Council included this as a reason for refusal in determining the previous application, the Inspector, in determining the subsequent appeal, considered that there would not be any significant effect on the adjoining property, given the distance to the boundary with No.185 and its modest scale. It is therefore considered that this part of the proposal can be accepted.

#### **5) Traffic and Parking**

The proposal incorporates four parking spaces in the front garden, two of which would be wide enough for use by persons with disabilities. Although the spaces would be arranged at right angles to the street, given the size of the front garden, there would be adequate manoeuvring space within the site so that vehicles could enter and leave in forward gear. The visibility from the vehicular access would also be adequate.

In refusing the previous application, the Council raised concerns that the proposal would result in an unacceptable level of vehicular activity, which would be prejudicial to highway and pedestrian safety. However, in determining the subsequent appeal, the Inspector, noting that Whitchurch Lane is a busy thoroughfare and that the site is in a relatively accessible location, concluded that the proposal would not harm highway safety, in relation to demand for on-street parking. It is therefore considered that no objection can be raised in terms of a highways impact.

#### **6) Accessible Homes**

In determining the previous appeal, the Inspector placed greater weight on the accessibility requirements of the London Plan, given that the Council's Accessible Homes SPD is based on UDP policy H18 which has been deleted by a direction from the Secretary of State. The requirements of the London Plan are less onerous than the Council's SPD and, despite the Council raising a concern about compliance with the SPD, the two proposed ground floor flats would both comply with the requirements of the London Plan in relation to Lifetime Homes Standards. In the light of the conclusion of the Inspector in determining the previous appeal, it is considered that the proposed development would have adequate provision for people with disabilities.

#### **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:

- Would set a precedent to other areas: Each proposal is considered on its own merits based on individual site circumstances. Accordingly it is not considered that this application would set a precedent for other sites.
- Front dormers would be out of character: It is confirmed from the submitted drawings that front dormers are not proposed.
- Potential problems with drainage and utilities: This is not a concern in relation to this application.
- Impact on local schools and medical facilities: There are no identified concerns in relation to these issues.

## **CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, the recent appeal decision relating to a similar development and other material considerations, including the comments received in response to publicity and consultation, as set out above this revised proposal is considered to satisfy the concerns of the Inspector that determined the previous appeal and accordingly 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 materials to be used in the construction of the external surfaces of the extensions 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. Hard landscaping details shall include samples of the proposed surface for the front parking area.

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 not be occupied or used until the disabled access forecourt parking spaces shown on the approved plans have been made available for use. The spaces shall be allocated and retained for use by the occupants of the ground floor flats 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.

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

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

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

REASON: to safeguard the appearance of the locality.

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

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

9 The roof area of the single-storey side and single-storey rear extensions hereby permitted shall not be used as balconies, roof gardens or similar amenity areas without the grant of further specific permission from the local planning authority.

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

**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: 731/1; Rev B; 2 Rev C; 3 Rev C; 4 Rev B; 5 Rev B; BLC080147 Rev C;  
Design and Access Statement

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Item: 2/11

**28 ROXBOROUGH PARK, HARROW, P/1549/09/GL/C  
HA1 3AY**

Ward GREENHILL

CONVERSION OF RESIDENTIAL PREMISES INTO 7 FLATS; EXCAVATION OF PART OF REAR GARDEN TO FORM LIGHTWELL; EXTERNAL ALTERATIONS; LANDSCAPING AND PARKING TO FRONT GARDEN AND PROVISION OF TWO PARKING SPACES

**Applicant:** Mr I B Kathuria

**Agent:** Kenneth W Reed Associates

**Statutory Expiry Date:** | 31-AUG-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 recommend GRANT permission has been taken having regard to the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan listed below, and all relevant material considerations including any comments received in response to publicity and consultation, as the proposal would provide a high standard of residential accommodation and would enhance the character and appearance of the Roxborough Park and The Grove Conservation Area without impinging upon the amenity of the neighbouring occupiers, in accordance with London Plan policy 3A.5 and policies D4, D5, D9, D14, D15, T13 and C16 of the Harrow Unitary Development Plan (2004):

#### **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
- D14 – Conservation Areas
- D15 – Extensions and alterations in Conservation Areas
- D16 – Conservation Area Priority
- T13 – Parking Standards
- C16 - Access to Buildings and Public Spaces

Supplementary Planning Guidance: Extension’s – 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 in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Area (3A.1, 3A.2, 3A.5; D4, D9, D14, D15; SPG; Roxborough Park and The Grove Conservation Area Policy Statement)
- 2) Residential Amenity (3A.5; D4, D5, D9, T13, C16, SPG; SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

**INFORMATION**

This application was deferred from the Committee meeting on 9<sup>th</sup> September for a Members' site visit which took place on the 23<sup>rd</sup> September 2009.

**a) Summary**

Statutory Return Minor Dwellings

Type:

Conservation Area Roxborough Park and The Grove

Habitable Rooms 15

Lifetime Homes 2

Council Interest: None

**b) Site Description**

- Three-storey plus loft semi-detached building with a two-storey side element on the south, and a single storey rear element with a hipped tile roof;
- The building appears to be in use as house in multiple occupation, although the Council records do not have any history of an authorised change of use;
- To the north is No. 30 Roxborough Park forming a pair with the subject site, and divided into four flats;
- To the south is No. 26 Roxborough Park, a flat building known as Drummond Court containing six flats;
- The area is characterised by a mixture of converted original dwellings and purpose built residential flat buildings, and semi-detached dwellings forming part of the Roxborough Park and The Grove Conservation Area;
- Only the front portion of front garden of the site is located within the conservation area
- Roxborough Park is subject to resident parking restrictions.

**c) Proposal Details**

- Conversion of residential premises into seven self-contained residential flats (6 x 1-bed and 1 x 2-bed);
- Room sizes of the proposed flats in square metres: -

	<b>Bedroom 1</b>	<b>Bedroom 2</b>	<b>Living</b>	<b>Kitchen</b>
Flat 1 (basement)	8.41	n/a	24.17	
Flat 2 (ground flr)	13	n/a	13.4	7.8
Flat 3 (ground flr)	14.28	n/a	21.94	
Flat 4 (1 <sup>st</sup> flr)	13.12	n/a	17	8.16
Flat 5 (1 <sup>st</sup> flr)	13.32	n/a	22.64	
Flat 6 (2 <sup>nd</sup> flr)	14.64	13.25	30.64	
Flat 7 (3 <sup>rd</sup> flr)	22.5	n/a	18.4	

- Excavation of part of the rear garden to form a lightwell;
- External alterations including flank wall openings and closure of existing openings
- Removal of smaller front dormer window
- Removal of all existing windows and doors and replacement with new painted timber style sash windows and doors
- Refuse storage in enclosed area at side of property
- Provision of two parking spaces and landscaping in front garden

**Revisions to Previous Application:**

Following the previous refusal of planning permission (P/1375/08) and dismissed appeal the following amendments have been made:

- Previous two-storey rear extension omitted
- One two-bedroom flat reduced in size to a one-bedroom flat
- Enclosed bin store proposed

**d) Relevant History**

P/3543/07/DFU	Conversion of house in multiple occupation into 8 flats; two storey rear extension; excavation of part front and rear gardens to form lightwells with 1.1m high railings on brick plinth around front lightwell; external alterations	REFUSED 10-JAN-08
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**Reasons for Refusal:**

- The proposal by reason of excessive number of units, inadequate layout and design, lack of private amenity space, and non-compliance with Lifetime Home standards would result in an over-intensive use of the property giving rise to excessive levels of activity, noise and disturbance to the detriment of neighbouring amenity, and would provide substandard accommodation to the detriment of the amenities of future occupiers of the flats, contrary to the provisions of Policy 3A.4 of the London Plan, Policies D4, D5 and EP25 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Accessible Homes (2006).
- The proposal by reason of the excavation of the front garden together with the associated railings and unacceptable impact of excessive front garden hardsurfacing, would be out of character with the area, detract from the appearance of the building and would not preserve or enhance the character or appearance of the adjoining Roxborough Park and The Grove Conservation Area contrary to Policies D4, D14, D15 and the policies of the Roxborough Park and The Grove Conservation Area.
- The two-storey rear extension by reason of its bulk, height, siting and design would be incongruous and obtrusive to the detriment of the character and appearance of the building, and the residential amenities of adjoining occupiers contrary to D4, D14 and D15 of the Harrow Unitary Development Plan, Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).

- The proposal does not make satisfactory provision within the site for the storage of refuse and recycling material for the proposed flats, and the location of the bin store in the front garden would be obtrusive and would reduce the front garden area for soft landscaping to the detriment of the amenity of neighbouring and future occupiers and character and appearance of the locality and the adjacent Conservation Area contrary to policies D4 and D9 of the Harrow Unitary Development Plan (2004).
- The provision of two parking spaces on the site would be insufficient for the proposed eight flats and therefore the development would give rise to conditions prejudicial to the free flow of traffic and highway safety contrary to policies D4 and T13 of the Harrow Unitary Development Plan (2004).
- The proposed southern flank window to Flat 3's living room would result in actual and perceived overlooking and noise disturbance to occupiers of No. 26 Roxborough Road to the detriment of their residential amenities of neighbouring occupiers, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).

P/1375/08/DFU	Conversion of residential premises into 7 flats; two-storey rear extension; excavation of part of rear garden to form lightwell; external alterations (resident permit restricted)	REFUSED 03-JUN-08 APPEAL DISMISSED 31-MAR-09
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**Reasons for Refusal:**

- The proposed development, by reason of the excessive number of units proposed would amount to an over-intensive occupation of this site, and by reason of the layout would provide a cramped and substandard form of accommodation, and would give rise to an unreasonable level of residential activity and associated disturbance, to the detriment of the amenity of the proposed and neighbouring occupiers, future occupiers of the site and the character of the locality, contrary to Policy 3A.5 of the London Plan and Policies D4 and EP25 of the Harrow Unitary Development Plan (2004).
- The two-storey rear extension by reason of its bulk, height, siting and rearward projection would be unduly overbearing, result in loss of light and overshadowing, and would be detrimental to the visual and residential amenities of future occupiers of proposed flats 2 and 5, contrary to Policy D5 of the Harrow Unitary Development Plan, Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).
- The proposal does not make satisfactory provision within the site for the storage of refuse and recycling material for the proposed flats, and the location of the bin store in the front garden would be obtrusive and would reduce the front garden area for soft landscaping to the detriment of the amenity of neighbouring and future occupiers and character and appearance of the locality and the adjoining Conservation Area contrary to policies D4, D9, D14 and D15 of the Harrow Unitary Development Plan (2004).
- The proposed southern ground floor flank window and entrance to Flat 2 would result in actual and/or perceived loss of privacy and noise disturbance to future occupiers of the subject flat to the detriment of the residential amenities of future occupiers of the flat, contrary to policy D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Proposal would improve the property and the wider area
- Proposal addressed previous reasons for refusal and Inspector's Comments

**g) Consultations**

Conservation Area Advisory Committee: No objection

Harrow Hill Trust: Conditions regarding method of demolition and construction should be attached.

Environmental Health: No response received

Waste Management: No response received

Advertisement      Character of a Conservation Area      Expiry : 20-AUG-09

**Notifications:**

Sent : 36      Replies : 5      Expiry : 12-AUG-09

**Summary of Responses:**

- Subsidence at no. 30 Roxborough Park, concerned that basement flat would cause further subsidence
- How to protect neighbouring property against any damage caused by the transformation
- Are there going to be any trees removed during landscaping?
- Concerned about possible increase in sewage output, the current system has reached its capacity
- Front garden should not be used as a car park
- Are additional parking spaces required for proposal?
- Noise during construction
- Windows should be kept the same size as the existing
- School works will be completed by summer next year and this will lead to usage of roads

**APPRAISAL**

This application addresses those reasons for refusal upheld by the Inspector at appeal.

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

***Bin Storage***

The bins for refuse and recycling materials would be stored at the side of the property. The storage area would be located on the boundary with No. 26 Roxborough Park and enclosed by a 1.2m high brick wall on three sides.

One x 1100 litre general waste bin and 1 x 1280 litre blue recycling bin would be provided.

The location of the bin store is considered acceptable as No. 26 Roxborough Park does not have flank windows facing the site, and this location would not adversely impact on the main habitable areas of the subject site.

The relocation of the bins, compared to the previous location in the front garden would allow for additional soft landscaping in the front garden, and minimise potential for amenity impacts on neighbouring occupiers at No. 26 Roxborough Park with regard to odour, and noise and disturbance in relation to the bins, and would also improve the street scene appearance of the building, thereby preserving the character of the Conservation Area.

### ***Soft Landscaping in the Front Garden***

The proposal is considered acceptable with regard to soft landscaping in the front garden, and would preserve the character of the building and the Conservation Area.

## **2) Residential Amenity**

### ***External Amenity***

#### ***Flank Windows and Doors***

The proposal would include a ground floor flank door providing access to proposed Flat 2, which would be located 2.4m from the side boundary with No. 26 Roxborough Park. There would also be changes to the windows in this flank wall. The Inspector at the Appeal noted that these windows and doors would be subject to overlooking from the use as the side passage. However, he noted that the new window would only serve a relatively small kitchen and there would not be an unacceptable loss of privacy and that existing windows are also subject to such overlooking.

In the light of the Inspector's comments, the changes to the windows and doors in the side elevation are considered acceptable.

Notwithstanding the above, a condition is attached requiring the ground floor flank windows to be fixed shut and obscure glazed to a height of 1.7m above finished floor level. An informative is also attached to the effect that these would not be protected openings and would not prejudice future development at the neighbouring property.

### ***Parking***

Currently, the building appears to be in use as a House in Multiple Occupation, (even though there is no planning permission for this use) serviced by on-site parking spaces located in the front garden. From a site visit, it appears that the existing hard paved area in the front garden might accommodate four vehicles entering/exiting independently of each other. However, the parking provision currently proposed for 7 flats (6 x 1-bed and 1 x 2-bed) is for two on-site parking spaces to be located in the front garden. Under the proposed configuration, there would be no opportunity to provide additional parking on the site unless in a stacked arrangement, which would prevent satisfactory manoeuvring of vehicles

Roxborough Park is subject to resident parking restrictions, and experiences high on-street parking demand. The site is also in close proximity to Harrow on the Hill Town Centre with associated transport links and services. Due to its sustainable location, and the small size of the flats proposed it is considered that a reduced level of parking provision is justified. As this site is located within a Controlled Parking Zone it is also possible to effectively control future ownership of cars by not allowing future occupiers a resident parking permit.

***Internal Amenity***

***Vertical Stacking***

The suitability of the proposed flats in terms of the vertical stacking of rooms is considered satisfactory in terms of minimizing the potential for noise transmission between units.

***Room Sizes***

The proposed flats have been assessed in accordance with Environmental Health guidelines for minimum room size standards. All flats comply with the Council's guidelines with regard to the total habitable area, and minimum room sizes.

***Amenity Space***

Flat 1 would have its own private amenity space of 48sqm across two stepped levels, to the rear of the flat accessible from its living room. Flat 2 would also have a private courtyard at the rear off its living room with an area of 27.5sqm. Provision of private amenity space to these two units is supported, due to their direct access to the rear garden. The other five flats would have access along a side passageway located within the site, to the remaining communal rear garden which has an area of approximately 400sqm. The only loss of rear amenity space would relate to the sunken terrace area to Flat 1. This would be a negligible area, and the proposal would retain more than 400sqm of communal landscaped amenity space. It is considered that the proposed amenity arrangements would be appropriate subject to a condition requiring details of the proposed boundary fencing to be approved.

***Lifetime Home Standards***

Subject to the Council's Accessible Homes SPD (2006), the ground floor flats (Flats 2 and 3) should be built to Lifetime Homes standards. The car parking space in the front garden would comply with Lifetime Homes standards, as it would be at least 3.3m in width with level access provided to the main entrance, which is currently covered. The internal layout of Flat 3 would comply with the Accessible Homes policy, and the accessible carspace should be allocated to this flat due to the short distance to the parking space. Flat 2 would also comply, except that there would not be direct access between the bathroom and bedroom. It would not be reasonable to refuse the application on this basis, as the flat layout is constrained by the existing built form which is not being altered in this flat. A condition is attached requiring the development to be built and retained to Lifetime Home standards in accordance with the approved plans.

***Intensity of Use***

The previous refusal of permission for 7 flats in part related to the over-intensive use of the site and the associated level of residential activity associated with the use of the property. Unfortunately this was not supported by the Inspector who in dismissing the appeal was concerned primarily with the bulk of the proposed extensions and daylighting issues.

**3) S17 Crime & Disorder Act**

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

#### **4) Consultation Responses**

- Subsidence, damage to neighbouring property during transformation and sewage output are not matters within the remit of the Local Planning Authority
- Trees removed – no trees would be removed as part of this proposal
- Front garden should not be used as a car park – there is currently a hardstanding area in the front garden used for parking (refer to pg. 144 of report). The proposal seeks to use existing hardstanding therefore there would be no further impact in the streetscene in this regard. Furthermore, suggested conditions 3 and 4 would seek a landscaping plan and implementation of such a plan which would help to improve the appearance of the streetscene and preserve the character and appearance of the conservation area
- Additional parking spaces are not required for the proposal, please refer to 'Parking' section of the report at page 144
- Usage of the road would not increase as a result of this proposal and would arguably decrease (see pg 144)
- On the issue of noise and disturbance from construction activity, an informative reminding the applicant of the Considerate Contractor Code of Practice is attached to this permission.

#### **CONCLUSION**

Therefore, whilst the application remains a contentious issue, it would not be appropriate to refuse permission in respect of intensity of use, as this would not be likely to be supported by the Inspectorate if an appeal was made.

The principle of a conversion of this property to smaller units is not in doubt, as it is established in similar properties locally. It would also enable an upgraded level of accommodation from the current unauthorised HMO use which has also been refused permission in any event.

Previously the council's concerns have related primarily to the numbers of flats, parking, some daylighting infringements, plus extensions into seven flats. On balance taking into account the amendments to the appeal scheme, the current proposal is considered acceptable subject to conditions.

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, including the brickwork and the bonding, to be used in the alteration of the external surfaces of the development shall match those used in the existing building, unless otherwise agreed in writing by the local planning authority.

REASON: To preserve the appearance of the building and the locality, as required by Harrow UDP policies D4, D14 & D15.

3 The development hereby permitted shall not commence until detailed drawings and specifications of the materials in respect of the following have been submitted to and approved in writing by the local planning authority:-

a) New windows and doors

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

REASON: To preserve the appearance of the building and the locality, as required by Harrow UDP policies D4, D14 & D15.

4 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.

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

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

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

REASON: to safeguard the appearance of the locality.

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

The boundary treatment shall be completed:

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

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

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

8 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.

9 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.

## **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, D14, D15, D16, T13, C16

SPG, Extensions: A Householder's Guide

SPD, Accessible Homes

### **2 INFORMATIVE:**

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

### **3 INFORMATIVE:**

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

4 INFORMATIVE:

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

5 INFORMATIVE:

The 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.

6 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.

7 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: 1544/201 Rev A; /202 Rev A; /205 Rev A; /206 Rev A; /300; /301; /302; /303; /304; Design and Access Statement

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

**Item: 2/12**

**P/1564/09/GL/C**

Ward HARROW WEALD

SINGLE STOREY SIDE FLANK/TWO STOREY REAR EXTENSION, FIRST FLOOR FRONT EXTENSIONS, REAR DORMER AND THREE VELUX WINDOWS

**Applicant:** Mr W Noorin

**Agent:** Mr Jin Il Kim

**Statutory Expiry Date:** | 31-AUG-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 recommend GRANT permission has been taken having regard to the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan listed below, and all relevant material considerations including any comments received in response to publicity and consultation, as the proposal would comply with the requirements of the Supplementary Planning Guidance on Householder Extensions and would respect the character and appearance of the West Drive Conservation Area without impinging upon the amenity of the neighbouring occupiers, in accordance with policies D4, D5, D10, D14, D15 and T13 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

D10 – Trees and New Development

D14 – Conservation Areas

D15 – Extensions and alterations in Conservation Areas

D16 – Conservation Area Priority

T13 – Parking Standards

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

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## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Conservation Area (D4, D10, D14, D15; D16, SPG)
- 2) Residential Amenity (D5, T13, SPG)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

## **INFORMATION**

This application was deferred from the Committee meeting on 9<sup>th</sup> September for a Members' site visit which took place on the 23<sup>rd</sup> September 2009.

**a) Summary**

Statutory Return Type: Householder Development  
Conservation Area West Drive  
TPO No.680 Cypress in rear garden  
Council Interest: None

**b) Site Description**

- No. 5 is a two storey detached dwellinghouse situated on the eastern side of West Drive;
- Site is located within the West Drive Conservation Area;
- Property has a carriage driveway off West Drive;
- Original dwellinghouse has been extended to the front, side and rear;
- The site has a rear garden approximately 35 metres in depth; the rear of the garden has dense foliage and two trees are covered by TPO No. 680, which covers the rear of the site;
- The site has a fall in ground levels from east to west. The surrounding area is generally characterised by detached dwellings. The two properties to the north are semi-detached and situated at an angle to the application building on a corner plot;
- Neighbouring property to the south has been extended to the side and rear.

**c) Proposal Details**

*First floor front extensions with alterations to the roof*

- Proposed first floor front extensions above the existing ground floor bay windows, with subordinate gabled roofs over the bay windows
- Two velux windows are proposed on the front roofslope.

*Single storey side extension*

- The proposed side extension would replace the garage but would extend and be flush with the main front wall of the dwellinghouse and then extend along the boundary to the depth of the original main rear wall.
- The height at the front of the proposed extension would be 3.2 metres with a height of 2.8 metres to the rear, due to the sloping ground level
- One high level flank window is proposed
- One window is proposed on the front elevation of the extension
- The proposed extension would be used as a habitable room with ensuite bathroom to the front and a utility room to the rear

*First floor rear extension*

- The proposed two storey rear extension would extend across the entire width of the original dwelling
- The proposed two storey rear extension to the north would have a depth of 3.5 metres for a across the whole width of the property
- The proposed roof over the two storey rear extension would be the same height as the existing ridge line
- One velux window is proposed on the southern slope of the roof
- One large window to a habitable room is proposed on the existing northern flank wall on the first floor

*Rear dormers*

- The proposed dormer would have a width of 2.1 metres and height of 2 metres, including the gabled roof
- The proposed dormer would be set in by 1.2m from the roof edges and set above the roof eaves by 1.7 metres.

*Single storey rear extension*

- The proposed single storey rear extension would extend across the width of the dwellinghouse
- The depth of the proposed extension to the northern side would be 4 metres from the recessed main rear wall of the dwellinghouse with a width of 6.3 metres
- The depth of the proposed extension to the south would be 5 metres from the projecting main rear wall of the dwellinghouse and the side extension with a width of 6.95 metres
- The proposed single storey rear extension would have two different roof designs. When viewed from the rear, the eastern side of the rear extension would have a mono pitched roof, with the highest point of the pitch situated immediately below the proposed rear window on first floor level. Two gable end projections would be integrated within the roof
- The western side would have a flat roof with a total height of 2.8 metres. A projecting roof lantern is proposed on top of the flat roof of the single storey rear extension with the highest point of the roof lantern being 3.5 metres and would be situated immediately below the proposed rear window on first floor level.
- A chimneystack is proposed on the northern elevation of the property.

**Revisions to Previous Application:**

Following the previous refusal of planning permission (P/0562/09) the applicant has made the following amendments:

- Depth of ground floor rear extension reduced by 1.7m on northern part of extension with depth on southern boundary (closest to No. 3 West Drive) unchanged
- Depth of first floor rear extension reduced to 3.5m across whole width of first floor. Previous proposal would have had a depth of 3.5 metres for a width of 6.3 metres and then be stepped out towards the rear at the southern side of the dwelling by an additional depth of 1 metre (i.e. 4.5 metres depth for a width of 4.3 metres)
- Previous two rear dormers replaced with single rear dormer
- A 0.5m high wall with 0.9m high railings (making a total of 1.4m) at the front of the site omitted

**d) Relevant History**

LBH/10254	Erection of single storey front extension to provide toilet and porch	GRANTED 08-JUL-74
LBH/25528	Single-storey front side and rear extensions	GRANTED 20-JUN-84
P/1986/04/DFU	Single storey side; single and two storey rear extensions rear dormer	GRANTED 14-SEP-04

P/1971/08/DFU	Single and two storey side and rear extensions; first floor front extension incorporating to the front roof slope; rear dormer; new chimney stack; external alterations	REFUSED 08-SEP-08
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**Reasons for Refusal:**

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

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

- The proposed first floor front extension, by reason of excessive forward projection, bulk and prominent siting, would be unduly obtrusive and would detract from the appearance of the property and the character of the locality, to the detriment of the visual amenities of the occupiers of the adjacent properties and would fail to preserve or enhance the character or appearance of the West Drive Conservation Area, contrary to Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".

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

P/0562/09

First Floor Front Extensions;  
Single Storey Side; Single/Two  
Storey Rear Extensions; Two  
Rear Dormers Incorporating Two  
Rooflights To Front Roofslope;  
Conversion Of Garage To  
Habitable Room; New 1.4M High  
Front Boundary Wall With  
Railings And Two Gates; External  
Alterations

REFUSED  
28-MAY-09

**Reasons for Refusal:**

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

- The proposed roof extension and rear dormers, by reason of excessive size and bulk, would be unduly obtrusive and overbearing, would detract from the appearance of the property, the character of the locality, and the visual amenities of the occupiers of the adjacent properties, and would fail to preserve or enhance the character or appearance of the West Drive Conservation Area, contrary to Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Nos. 2 and 6 West Drive have similar sized extensions; design would complement existing and nearby residential properties.

**g) Consultations**

**Conservation Area Advisory Committee:** Objection: This would be an overly bulky extension that would remove all character from the original dwellinghouse. The full effect of the increased depth would be seen through the gap.

If the porch were to be reduced or recessed between the two bays then this would improve the building's facade.

The proposed single storey side extension needs to be set back from the front so that it is subservient. The ridge of the proposed dormer is close to the ridge of the main house and a flat roof would be better.

We regret the loss of the garage.

**Conservation and Design Officer:** Proposals are for: Single storey side flank/ two storey rear extension plus rear dormer and two velux windows.

The principle of building towards the rear of the property has been established and as such there are no objections to the extension here. The 2 storey side extension that was of concern has been reduced to single storey and is now able to preserve the character and appearance of the conservation area. This element would however be improved if it were to be pushed back to the line of the existing garage.

**Planning Arboricultural Officer:** Tree protection measures required for the protected Cypress tree in rear garden in line with BS:5837 (2005).

Advertisement                      Character of a Conservation Area                      Expiry : 20-AUG-09

**Notifications:**

Sent : 36                      Replies : 22                      Expiry : 12-AUG-09

**Summary of Responses:**

22 responses objecting on grounds of excessive bulk and scale, detracting from the character of the conservation area and general loss of residential amenity. Also loss of views and insufficient on site parking. The road cannot accommodate building works. Other approved extensions in the area are not similar to this proposal. The minor reductions proposed by this scheme are minimal and do not significantly reduce their detrimental impact.

**APPRAISAL**

There have been a number of planning refusals for a composite of ground and first floor extensions in 2009 and most recently in May 2009. Officers consider that the revised application addresses the previous reasons for refusal by a reduction in bulk of both the 1<sup>st</sup> floor and single storey rear extensions and reducing two dormers to one dormer on the rear roof plane.

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

***The extensions***

The proposed rear dormer to this dwelling house have been reduced in scale, bulk and rearward projection, since the previously refused application. The ground and first floor flank /rear extensions have also been reduced in size to make them more compatible with the host dwelling, the adjoining properties and the Conservation area generally. Officers also consider that overall the proposed revised extensions would not detract from the character of the West Drive Conservation Area. The impact upon the street scene would be limited as the 2 storey extension would be at the rear and predominantly screened by the host dwelling. The new single storey flank extension would replace the existing garage and would be compatible in terms of width, projection but slightly lower in height at the rear part . On this basis it would not detract from the character of the conservation area and street scene.

The proposed rear dormer (previously two proposed) would be set in from the ridge, eaves and side of the property, so it would not over dominate the rear roof plane.

For the purpose of protecting the Tree of special amenity value (which is subject to a Tree Preservation Order), conditions have been attached to this recommendation that protective fencing be erected prior to any construction works commencing at the site.

**2) Residential Amenity and Parking**

The depth of the 2 storey rear extension has been reduced by 1.7m at ground floor level and to 3.5m at 1<sup>st</sup> floor level. It no longer project in an "L" shaped form to a maximum of 4.5m as previously submitted. It is not considered that the rear or flank extensions would result in substantive loss of daylight or overlooking so as to warrant a refusal of permission.

The rear garden is 35m in length and would not be adversely affected by the two storey rear extension, and would provide more than adequate amenity space for the existing occupants.

In view of the parking spaces available at the front of the property, the scheme would have no adverse impact upon existing parking arrangements for the host dwelling.

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses**

None

**CONCLUSION**

Overall there have been an excessive number of proposals for this dwellinghouse, a number of unimplemented permissions and three which have more recently been refused permission. The current scheme in officer's view finally addresses the previous reasons for refusal. The proposed single flank and two storey rear extensions would now be in proportion in scale and design terms to the host dwelling and compatible with the adjoining residential properties and conservation area. The proposed rear dormer would have a significantly improved relationship to the rear roof plane than previous submissions.

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, including the brickwork and the bonding, to be used in the alteration of the external surfaces of the development shall match those used in the existing building, 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 policies D4, D14 & D15.

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

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

5 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.

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

The boundary treatment shall be completed:

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

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

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

7 The window(s) in the flank wall facing no.3 West Drive 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.

8 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.

9 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 WE 2-2C shall be installed in the flank wall facing no.3 West Drive of the extensions hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

10 The roof area of the single storey extensions 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.

11 The development hereby permitted shall not be altered so as to form separate self contained residential units without the grant of further specific permission from the local planning authority.

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

12 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.

## **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, D14, D15, D16, T13, C16

SPG, Extensions: A Householder's Guide

SPD, Accessible Homes

### **2 INFORMATIVE:**

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

### **3 INFORMATIVE:**

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

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### **4 INFORMATIVE:**

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

Item 2/12 : P/1564/09/GL/C continued/...

5 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.

6 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.

Plan Nos: WE 1-2C; WE 2-2C; Design and Access Statement

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**32 STREATFIELD ROAD, HARROW**

**Item: 2/13**

**P/1492/09/FOD/E**

Ward: QUEENSBURY

RETENTION OF OUTBUILDING IN REAR GARDEN WITH ALTERATIONS TO REDUCE ITS DEPTH AND ELEVATIONAL TREATMENTS

**AGENT:** Mr A Modhwadia

**APPLICANT:** Mr Shailesh Teli

**Statutory Expiry Date:** 24-AUG-09

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## **RECOMMENDATION**

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

The decision to GRANT planning permission has been taken having regard to the saved policies and proposals of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations as the proposal would provide a satisfactory and appropriate form of development, taking account of the established character of the area and protecting the appearance of the residential area without impinging upon the amenity of the neighbouring occupiers, in accordance with policies D4 and D5 of the Harrow Unitary Development Plan (2004).

## **MAIN CONSIDERATIONS AND POLICIES (Saved policies of the London Borough of Harrow Unitary Development Plan 2004)**

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

## **INFORMATION**

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

### **a) Summary**

Statutory Return Type: Householder Development

Council Interest: None

### **b) Site Description**

- The site features a two-storey former dwellinghouse on the southern side of Streatfield Road which has been converted to two flats.
- The rear garden of the site is one of two areas divided to serve the two flats.
- The area immediately beyond the rear wall of the building serves the ground floor flat, No.32. A concrete pathway along the eastern boundary of the rear garden provides access to the outdoor amenity space for the upper floor flat, No.32a at the far end of the garden.
- A white coloured detached block built outbuilding has been built next to the rear boundary of the garden of No.32. Retention of this outbuilding was dismissed on appeal in May 2009 and is the subject of this application.
- The respective rear gardens of the flats are separated by close boarded wooden fencing.

- The rear garden serving the other flat, No.32A contains a white coloured detached block built outbuilding on the rear boundary of the property, which was allowed on appeal in May 2009.
- The neighbouring rear garden to the west, No.30 features two small outbuildings, one brick built and the other block built.
- The neighbouring rear garden to the east, No.34 features a single storey dual-pitched detached outbuilding adjacent to the rear wall of the dwellinghouse on the property.

**c) Proposal Details**

- It is proposed to reduce the depth of the outbuilding in the rear garden of No.32 by 1 metre. This would increase the distance between the rear wall of the main building on the site to the outbuilding from 13.5 metres to 14.5 metres.
- The altered outbuilding would have a depth of 3.9 metres by 3.5 metres wide
- It is also proposed to change the colour of the outbuilding to burnt red. The uPVC fascia boards would also be painted a similar colour.
- The windows and doors of the outbuilding would remain as existing

**d) Relevant History**

P/0187/07/DFU	Two storey side to rear and single storey rear extension, conversion of dwelling house into two self contained flats	GRANTED 01-JUN-07
P/3015/08	Retention of detached outbuilding in each rear garden of 32 and 32A Streatfield Road	REFUSED 18-DEC-2008 RETENTION OF OUTBUILDING TO NO.32A ALLOWED ON APPEAL 14-MAY-09

**Reason(s) for Refusal:**

The proposal represents an excessive amount of development in this sub-divided rear garden which services the flatted development thereof, would not respect the scale and character of the original dwelling and would be out of character in the locality by reason of the materials, scale and design in an area where, typically, there is only one outbuilding per garden and/or a garden shed, contrary to HUDP policy D4.

**e) Applicant Statement**

- Depth of outbuilding in the rear garden of No.32 reduced
- Colour of the reduced depth outbuilding to be burnt red or brown colour.

**f) Consultations**

**Notifications:**

Sent : 7

Replies : 2

Expiry: 29-JUL-09

**Summary of Responses:**

Concrete buildings are not visually pleasing; objections to the amount of concrete used in the outbuildings and rear garden

**APPRAISAL**

The previously refused application (P/3015/08) was part allowed on appeal, the outbuilding in the rear garden of No.32A being allowed. The current application solely seeks the retention of the outbuilding in the rear garden of No.32, with proposed alterations and elevational treatment.

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

Policy D4 of the HUDP (2004) states that the Council will expect a high standard of design and layout in all development proposals while taking certain factors into account of which a) site and setting and b) context, scale and character are considered to be the most relevant in this instance.

In the Inspectors report on the previous appeal (P/3015/08) on the site, the Inspector concluded that the siting of the outbuilding in the rear garden of No.32 was much closer to the backs of the dwellings fronting Streatfield Road than the neighbouring properties. The Inspector considered that the materials used in the construction of the outbuilding also appear unsympathetic and in contrast with what one would normally expect of a suburban rear garden. As a consequence, the Inspector concluded that the outbuilding appeared stark and prominent, resulting in an unacceptable intrusive effect on the neighbouring area.

As a result of officer negotiation an amended scheme has been submitted. Firstly, the proposed alterations to the flat-roofed outbuilding in the rear garden of No.32 would reduce the depth of the outbuilding by 1 metre. Secondly, it is proposed to provide a more appropriate finish by painting the render and fascia boards of the outbuilding a burnt red colour, which would be of a softer appearance and be required by condition. The reduction in the depth of the outbuilding of one metre would increase the distance from the outbuilding from the rear wall of the converted dwelling on the site to 14.5 metres. This reduction in depth, in association with the proposed use of a more subdued colour would satisfactorily reduce the impact of the outbuilding in the rear garden. The painting of the outbuilding would serve to help the outbuilding blend better with the surroundings and neighbouring outbuildings in other gardens.

Similarly, the reduction in depth of the outbuilding would further reduce the prominence of the structure in the rear garden area. It is therefore considered that the proposed retention of the outbuilding with the alterations proposed would respect the surrounding townscape and the scale and context of the area, in accordance with the policy D4 of the HUDP (2004).

**2) Residential Amenity**

It is important to note the Inspector's decision in relation to the previous appeal. The Inspector concluded that, as the outbuilding only abutted a short proportion of the common boundary, it is unlikely that it shades the rear garden of No.30 to any unacceptable extent. Given that the proposed alterations would reduce the depth and prominence of the outbuilding, a reduced impact on the amenities of the neighbouring properties would occur as a result of the proposed alterations.

**3) S17 Crime & Disorder Act**

It is considered that the proposed development does not, nor would it have any adverse crime or safety concerns.

**4) Consultation Responses**

The aesthetic merits of the outbuilding have been assessed in the report above.

**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, the Officer therefore considers that the proposed amendments to the depth and surface treatments would satisfy the relevant policy of the HUDP (2004) and the Inspector's concerns and are acceptable. The application is therefore recommended for grant, subject to the following condition(s):

**CONDITIONS:**

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:

D4 and D5 of the Harrow Unitary Development Plan (2004).

2 Within 3 months of the date of this permission, the external surfaces of the outbuilding hereby permitted shall be painted a burnt red colour as per the approved plans, and retained as such thereafter.

REASON: To safeguard the appearance of the locality.

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

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

**INFORMATIVES:**

1 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 No's:** 1842-S/01-Rev A -06/09, 1842-S/02-Rev B-08/09

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

**Item: 2/14**

**P/1656/09/ML/E**

Ward STANMORE PARK

ALTERATIONS TO FRONT PORTICO

**Applicant:** Dr Abhay Shah

**Agent:** David R Yeaman & Associates

**Statutory Expiry Date:** | 10-SEP-09

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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 recommend **GRANT** of planning permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed development would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers, and the character and appearance of the area.

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

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## MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

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

## INFORMATION

This submission is reported to the Committee under proviso F of the Schedule of Delegation issued 19<sup>th</sup> April 2007.

### a) Summary

Statutory Return Type: Minor Dwellings

Council Interest: None

### b) Site Description

- The site is a roughly rectangular piece of land, set at the top of Aylwards Rise, and is occupied by a recently built detached house.
- Aylwards Rise is a cul-de-sac of 9 detached houses accessed from Aylmer Drive.
- The rear of the site abuts Little Common Conservation Area.
- The site is approximately 43m deep on the boundary with Nos.20, 21 & 22 Fallowfield, 27m wide on the boundary with No.3 Aylmer Close, 49m deep on the boundary with No.3 Aylwards Rise and 38m wide on the boundary with No.5 Aylwards Rise.
- The property occupies a position set at an angle to the corner of the road, further forward than the frontage of No.3 Aylwards Rise.

- The property is sited approximately 7.75m from the common boundary between Nos.4 and 5 at its closest point.
- The surrounding area is comprised of large detached family houses set in landscaped gardens with substantial tree blocks and individual tree masses forming the backdrop to the area and providing privacy and separation between dwellings.
- The house is currently finished with a rusticated render on the ground floor, with a plain render finish on the first floor, with stone cill and window facings.
- Materials used for the surrounding houses comprise of a mix of facing brickwork, render and a mixture of clay and concrete roof tiles.
- Surrounding houses are of a variety of styles, no two houses displaying the same characteristics.
- A number of neighbouring properties have been extended or rebuilt over the years including the adjacent property No.3 which has recently been rebuilt, other surrounding properties have been extended by a mixture of two-storey and single-storey additions including the adjacent property No.5 Aylwards Rise.
- In relation to levels, the application property is set on the highest corner of the land of Aylwards Rise.

**c) Proposal Details**

- Amendments to the portico as built at the front of the property to elongate and slim down its roof canopy so that it retains the same 3.7m overall height but would be 0.2m wider at 3.8m and 0.2m thinner by 0.2m at 0.6m.
- The tiered detail on the roof canopy of the portico would be extended slightly to project approximately 0.05m further forward at its highest point to stagger the tiered detail.
- The base and top of the two posts which support the roof of the portico would be widened by approximately 0.1m.

**d) Relevant History**

P/2712/05/DFU	Replacement two storey detached house with detached garage.	GRANTED 17-MAR-06
P/979/06/DFU	Replacement two storey house with rooms in roofspace and detached garage.	GRANTED 07-JUN-06
ENF/0282/07/P	Enforcement notice regarding the alleged demolition of a two-storey house and the construction of a replacement detached two-storey house and garage which is outside the scope of planning permission P/979/06/DFU.	APPEAL APP/M5450/C/07/ 2053532 ALLOWED, PLANNING PERMISSION GRANTED 24-APR-08
P/3622/08	Details of hard and soft landscaping pursuant to condition 4 of planning permission APP/M5450/C/07/2053532, granted 24 April 2008.	APPROVED 13-MAY-09

Item 2/14 : P/1656/09/ML/E continued/...

P/3603/08	Retention of 4 air-conditioning units on rear elevation, with acoustic panel screen.	GRANTED 15-MAY-09
P/4010/08	Condition 1(i-v) for (i) the colour of the walls of the house and garage; (ii) the colour and make of the clay roof tiles of the house and garage; (iii) the window cills and facings; (iv) the ground surfacing material; (v) the boundary treatment; and condition 9(i) for a timetable of the works required by conditions 2 and 3 of planning permission APP/M5450/C/07/2053532, granted 24 April 2008.	APPROVED 26-JUN-09
P/1657/09	Variation of condition 2 of planning permission APP/M5450/C/07/2053532 to read 'The windows in the dwellinghouse shall be replaced to accord with those shown on drawing No.752/301A and retained thereafter'.	CURRENT APPLICATION
P/1664/09	Installation of two posts at entrance to driveway.	CURRENT APPLICATION

**e) Pre Application Discussion**

- None.

**f) Applicant Statement**

- None.

**g) Consultations:**

**Notifications:**

Sent:  
13

Replies:  
3

Expiry: 17-AUG-09

**Summary of Response:**

No objections as long as the pillars are not made bulkier or larger, too much bulk on the plot without adding more; Difficult to determine how the portico is to be amended; Lack of a proposed floor plan also does not allow a direct comparison in terms of the size of the amended portico; Is the amendment to the portico as shown on drawing number ARP/TP/6/A or ARP/TP/6/C?; The amendment is a vast improvement to the solid portico shown on ARP/TP/6/A, but the feature still remains a heavy and somewhat alien feature in the overall design, urge discussions with the applicants further modifications to remove the bulkiness and to generally slim down the design to make it more sympathetic to the overall elevation.

## **APPRAISAL**

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

The proposed alterations to the portico would result in a less bulky structure which would follow the lines and form of the rusticated render finish on the ground floor more closely than the existing structure. The resulting portico would have a more balanced appearance in the streetscene and as such this proposed development is considered to result in an improvement in the character and appearance of this property and the wider area. Due to the siting of the portico in relation to the boundaries of neighbouring properties it is considered that the proposed alterations would have no discernable impact upon the amenities of neighbouring residents, albeit that the improvement in appearance of this structure would potentially result in an improvement in visual amenity in the streetscene.

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

It is considered that this proposed development would not have any detrimental impacts upon community safety and is therefore acceptable in this regard.

### **3) Consultation Responses**

- *Lack of a proposed floor plan also does not allow a direct comparison in terms of the size of the amended portico* – The proposed alterations are clear and can be seen through a comparison of the submitted existing and proposed elevations.
- *Is the amendment to the portico as shown on drawing number ARP/TP/6/A or ARP/TP/6/C?* – The proposed alterations are not in accordance with either of the drawings cited (which relate to drawings referred to in previous schemes on this site), rather they are proposed amendments to the structure as built which was granted planning permission by virtue of the appeal decision APP/M5450/C/07/2053532.
- All other issues addressed by Appraisal.

## **CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above this application is recommended for grant as the proposed alterations to the portico would improve the appearance of the structure and not have any adverse implications for neighbouring living 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building, except for the paint finish for which Dulux 'Chalky Downs 4' (Ref. 30YY67/084) should be used and retained thereafter.

REASON: To safeguard the appearance of the locality.

**INFORMATIVES**

**1 INFORMATIVE:**

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

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

D4 and D5 of the Harrow Unitary Development Plan (2004).

**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:**

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

Plan Nos: 752/101, 102

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**4 AYLWARDS RISE, STANMORE, HA7 3EH**      **Item: 2/15**  
**P/1657/09/ML1**  
Ward STANMORE PARK

VARIATION OF CONDITION 2 OF PLANNING PERMISSION APP/M5450/C/07/205532 TO READ 'THE WINDOWS IN THE DWELLINGHOUSE SHALL BE REPLACED AND RELOCATED TO ACCORD WITH THOSE SHOWN ON THE DRAWINGS NOS. 752/301C AND 752/205 AND RETAINED THEREAFTER'

**Applicant:** Dr Abhay Shah  
**Agent:** David R Yeaman & Associates  
**Statutory Expiry Date:** | 08-OCT-2009

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## RECOMMENDATION

That planning permission for the variation of condition 2 of APP/M5450/C/07/205532 be granted in accordance with the following:

The permission is hereby granted, subject to the condition below, supplemental to planning permission ref. APP/M5450/C/07/205532 allowed on Appeal on 24<sup>th</sup> April 2008 ("the Original Permission").

Save as modified by this permission the terms and conditions of the Original Permission are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

### Replacement Condition 2

2. The windows in the dwellinghouse shall be replaced and relocated to accord with those shown on the drawings nos.752/301C and 752/205 and retained thereafter.

## REASON

The proposed variation of condition 2 sought reflects the need to resolve inconsistencies in appeal decision APP/M5450/C/07/205532 to enable compliance with condition 9(i).

The proposed modifications to the windows and openings detailed in the application, as amended, are considered to respect the character and appearance of the retained dwelling and are in accordance with the development plan policies listed below, and having regard to representations received.

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

London Plan

4B.1 Design Principles for a Compact City

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## MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Reason for variation
- 2) Character and Appearance of the Area (D4)
- 3) Residential Amenity (D5)

- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

### **INFORMATION**

This submission is reported to the Committee under proviso F of the Schedule of Delegation issued 19<sup>th</sup> April 2007.

#### **a) Summary**

Statutory Return Type: Minor Dwellings  
Council Interest: None

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

- The site is a roughly rectangular piece of land, set at the top of Aylwards Rise, and is occupied by a recently built detached house.
- Aylwards Rise is a cul-de-sac of 9 detached houses accessed from Aylmer Drive.
- The rear of the site abuts Little Common Conservation Area.
- The site is approximately 43m deep on the boundary with Nos.20, 21 & 22 Fallowfield, 27m wide on the boundary with No.3 Aylmer Close, 49m deep on the boundary with No.3 Aylwards Rise and 38m wide on the boundary with No.5 Aylwards Rise.
- The property occupies a position set at an angle to the corner of the road, further forward than the frontage of No.3 Aylwards Rise.
- The property is sited approximately 7.75m from the common boundary between Nos.4 and 5 at its closest point.
- The surrounding area is comprised of large detached family houses set in landscaped gardens with substantial tree blocks and individual tree masses forming the backdrop to the area and providing privacy and separation between dwellings.
- The house is currently finished with a rusticated render on the ground floor, with a plain render finish on the first floor, with stone cill and window facings.
- Materials used for the surrounding houses comprise of a mix of facing brickwork, render and a mixture of clay and concrete roof tiles.
- Surrounding houses are of a variety of styles, no two houses displaying the same characteristics.
- A number of neighbouring properties have been extended or rebuilt over the years including the adjacent property No.3 which has recently been rebuilt, other surrounding properties have been extended by a mixture of two-storey and single-storey additions including the adjacent property No.5 Aylwards Rise.
- In relation to levels, the application property is set on the highest corner of the land of Aylwards Rise.

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

- The existing condition 2 of appeal decision APP/M5450/C/07/205532 reads:  
*The windows in the dwellinghouse shall be replaced and relocated to accord with those shown on drawing no. ARP/TP/6A and retained thereafter*

- The proposed variation of condition 2 seeks to amend this condition to read 'The windows in the dwellinghouse shall be replaced and relocated to accord with those shown on the drawings nos. 752/301C and 752/205 and retained thereafter'.
- Drawings 752/301C and 752/205 detail proposed alterations to the existing windows of the dwellinghouse as built.
- On the front elevation it is proposed to alter all the windows in some way, all the windows except for the central first floor window being replaced. The existing window surrounds would all be removed on the ground floor.
- On the first floor all the window surrounds would be slimmed down from 150mm to 100mm in width.
- The replacement windows on the ground floor would be between 250mm and 200mm narrower than the existing windows. The replacement windows on the first floor would be between 250mm and 200mm narrower than the existing windows.
- On the western elevation it is proposed to alter all the windows in some way, one of the windows being replaced. The window surrounds would be removed on the ground floor and on the first floor they would be slimmed on all windows from 150mm to 100mm in width. The replacement window serving an ensuite bathroom on the first floor would be 200mm narrower than the existing window.
- On the eastern elevation it is proposed to alter all the windows in some way, two of the windows (both serving ensuite bathrooms) being replaced. The window surrounds would be removed on the ground floor and on the first floor they would be slimmed on all windows from 150mm to 100mm in width. The replacement windows on the first floor would be 250mm narrower than the existing windows.
- On the rear elevation it is proposed to alter the surrounds of all the windows. The window surrounds would be removed on the ground floor and on the first floor they would be slimmed on all windows from 150mm to 100mm in width.
- Window cills on all windows would remain 150mm deep.

**d) Relevant History**

P/2712/05/DFU	Replacement two storey detached house with detached garage.	GRANTED 17-MAR-2006
P/979/06/DFU	Replacement two storey house with rooms in roofspace and detached garage.	GRANTED 07-JUN-2006
ENF/0282/07/P	Enforcement notice regarding the alleged demolition of a two-storey house and the construction of a replacement detached two-storey house and garage which is outside the scope of planning permission P/979/06/DFU.	APPEAL APP/M5450/C/07/ 2053532 ALLOWED, PLANNING PERMISSION GRANTED 24-APR-2008
P/3622/08	Details of hard and soft landscaping pursuant to condition 4 of planning permission APP/M5450/C/07/2053532, granted 24 April 2008.	APPROVED 13-MAY-2009

Item 2/15 : P/1657/09/ML/E continued/...

P/3603/08	Retention of 4 air-conditioning units on rear elevation, with acoustic panel screen.	GRANTED 15-MAY-2009
P/4010/08	Condition 1(i-v) for (i) the colour of the walls of the house and garage; (ii) the colour and make of the clay roof tiles of the house and garage; (iii) the window cills and facings; (iv) the ground surfacing material; (v) the boundary treatment; and condition 9(i) for a timetable of the works required by conditions 2 and 3 of planning permission APP/M5450/C/07/2053532, granted 24 April 2008.	APPROVED 26-JUN-2009
P/1656/09	Alterations to front portico.	CURRENT APPLICATION
P/1664/09	Installation of two posts at entrance to driveway.	CURRENT APPLICATION

**e) Pre Application Discussion**

- None. Officers have nevertheless had extensive discussion with the applicant and their agents on the resolution of this anomaly in the Inspector's decision to grant planning permission for the development.

**f) Applicant Statement**

- The proposal is broadly in compliance with the windows in the approved drawing ARP/TP/6C (as shown by the submitted drawing 751/004).

**g) Consultations:**

**Notifications:**

Sent:  
13

Replies:  
2

Expiry: 09-SEP-2009

**Summary of Response:**

Windows look directly into living areas at No.3, if application is to reduce these in size and obscure glaze them then no objection; If windows are going to be made larger then object; Obscure glazing is required to all first floor bathroom windows in accordance with condition 3 of the appeal decision, has this been fully complied with? Particularly concerned about the double window in the eastern elevation.

**APPRAISAL**

**1) Reason for Variation**

In granting, on appeal, planning permission for the retention of the dwelling on this site, the Inspector, by way of condition 2, required alterations to be made to windows and their surrounds in the interests of the appearance of the house and the visual amenity of the area.

Condition 2 of the planning permission granted by the Inspector nevertheless refers to a specific drawing (ARP/TP/6A) which is inconsistent with the building as constructed, reflecting instead an earlier planning permission for the site.

The applicants have previously secured approval for the details of materials and a timetable of proposed works to the property as required by the planning Inspector. These works include alterations to the windows. If the works are not carried out, the dwelling must be demolished.

This application seeks to address the inconsistency in the Inspector's decision through the variation of condition 2 to provide for new drawings of windows to be approved, prior to works to alter the windows and their openings.

In light of the error within the decision notice, the consideration of a variation to the condition is reasonable. The merits of the alterations proposed to the windows and openings, for which approval is also sought, is considered below.

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

Paragraph 27 of the appeal decision considers the impact of the windows on the character and appearance of the area. The Inspector stated that "The large windows that have been inserted have stone cills and facings and in my opinion are an over dominant feature in the design of the building which results in it being out of keeping with the area where in the main windows are not so large or prominent". The suggested solution in order for the windows to be acceptable was then set out by the Inspector, who stated that, 'It would be possible for the windows to be reduced in size and for them to be re-located in the positions approved in the second permission which would render them less conspicuous and this could be affected by way of a planning condition'. This conclusion translated into condition 2 of the appeal decision, albeit with the discrepancy relating to the drawing number as discussed above. In terms of the impact of the windows upon the character and appearance of the area it is these concerns expressed by the Inspector that need to be addressed by the revisions proposed to the windows.

The existing 150mm wide marble window surrounds (facings) are proposed to be removed entirely on the ground floor of the building, in line with the windows on the drawing referred to by the Inspector. Many windows on the ground and first floors of the building, particularly in the front and side elevations, would be replaced with smaller windows (see above) as a result of the proposed variation of the condition. The surrounds of all windows on the first floor would also be reduced in width from 150mm to 100mm. This particular alteration has been made in light of both the Inspector's reasoning and on the basis of design advice from the Council's Conservation advisor. The reduced width of the surrounds would lessen the dominance of the first floor windows and provide an acceptable relationship to the window cills. The narrower surrounds would retain the 25mm wide tapered edge detail of the existing surrounds in order to further minimise and soften their appearance on the elevations.

The proposed alterations to replace and relocate the windows in accordance with the drawings submitted as part of this application are considered, therefore, to address the Inspector's concerns by making them a less dominant feature in the design of the building which would be more in keeping with the character and appearance of the area, in line with the reasoning of the Inspector in the appeal decision and policy D4 of the Harrow Unitary Development Plan (2004). In this regard the proposed variation of condition 2 is therefore considered to be acceptable.

The window cills and facings (surrounds) are proposed to remain in the existing cream marble and the alterations proposed are timetabled to be carried out by 28<sup>th</sup> February 2010, in accordance with the details approved in June 2009 as part of the application P/4010/08.

### **3) Residential Amenity**

Paragraph 33 of the appeal decision discusses the impact of the dwellinghouse as built on the amenities of neighbouring occupiers, the Inspector stating that the reduction in the size of the windows in the property, as required by condition 2, '...would also go some way to reducing any potential for overlooking'. As such it is considered that, as this proposal to vary condition 2 of the appeal decision would result in smaller windows in elevations adjacent to neighbouring properties, there would be a resultant benefit to residential amenity in the manner the Inspector described. The windows in the front elevation which look towards the side of the adjacent property at No.5 would all, except for the central first floor window, be replaced with smaller windows which may contribute to a reduction in perceived overlooking. The Inspector noted however that "Some overlooking in any residential area such as this is to be expected and I do not consider the overlooking in this case to be so adverse as to justify a refusal of planning permission".

Other conditions, notably condition 3, require obscure glazing to the first floor bathroom windows on both the side and the front elevations and overlooking from these windows, toward Nos.3 and 5, is therefore considered to be no worse as a consequence of this application than previously approved.

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

It is considered that this proposed development would not have any detrimental impacts upon community safety and is therefore acceptable in this regard.

### **5) Consultation Responses**

- *Windows look directly into living areas at No.3, if application is to reduce these in size and obscure glaze them then no objection; If windows are going to be made larger then object – Two of the first floor windows facing No.3 would be obscure glazed in line with the requirements of condition 3 of the appeal decision, both of which would be narrower than the existing windows in these locations.*

- *Obscure glazing is required to all first floor bathroom windows in accordance with condition 3 of the appeal decision, has this been fully complied with? Particularly concerned about the double window in the eastern elevation* – The previously approved submission P/4010/08 contained details of the timetable for compliance with condition 3, which was that these works would be completed by 28<sup>th</sup> February 2010. There is no requirement for the submission of details in relation to condition 3, however the submitted plans do indicate that all the relevant first floor windows would be altered to comply with the requirements of this condition.
- All other issues addressed by Appraisal.

## **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, the variation of condition 2 of the appeal decision is considered acceptable. The alterations proposed to the windows would improve the appearance of the dwellinghouse and have some beneficial impact upon neighbouring living conditions.

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

London Plan

4B.1 Design Principles for a Compact City

### **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:**

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:**

The applicant is reminded of the need to carry out these works in accordance with the details of materials and the timetable approved as part of the details submission P/4010/08.

Plan Nos: 752/004; 752/101; 752/205; 752/301C;

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Item: 2/16

**THE SACRED HEART RC LANGUAGE COLLEGE, 186 HIGH STREET, WEALDSTONE HA3 7AY**

Ward WEALDSTONE

SINGLE-STOREY MODULAR BUILDING COMPRISING 3NO. X CLASSROOMS WITH ANCILLARY STORAGE ON EXISTING HARD LANDSCAPING TO THE NORTHERN MOST PART OF THE SITE.

**Applicant:** London Borough of Harrow  
**Agent:** Wintersgill LLP  
**Statutory Expiry Date:** 07-OCT-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.

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at The Sacred Heart RC Language College is owned by LB Harrow.

## **REASON**

The decision to recommend GRANT of planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, to meet the Vision of the Council in maintaining high standards of schools, 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.24 – Education Facilities  
4A.3 – Sustainable Design and Construction  
4B.1 – Design Principles for a Compact City  
4B.5 – Creating an Inclusive Environment

### **London Borough of Harrow Unitary Development Plan [2004]:**

D4 – The Standard of Design and Layout  
C16 – Access to Buildings and Public Spaces  
EP25 – Noise

Harrow's Sustainable Community Strategy [Mar 09]

## **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 who intends to carry out the development and the land at The Sacred Heart RC Language College is owned by LB Harrow.

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

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**MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & saved policies of The London Borough of Harrow Unitary Development Plan 2004]**

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

The London Plan [2008]

3A.24 – Education Facilities

*Boroughs should provide a criteria based approach to the provision of different types of educational facilities and the expansion of existing facilities, taking into account the need for new facilities...*

**2) Quality of Design and Accessibility**

The London Plan [2008]

3A.24 – Education Facilities

4B.1 – Design Principles for a Compact City

*The Mayor will, and Boroughs should, seek to ensure that developments should maximise the potential of sites, and be accessible...*

4B.5 – Creating an Inclusive Environment

*The Mayor will require all future development to meet the highest standards of accessibility and inclusion.*

Harrow Unitary Development Plan [2004]

D4 – The Standard of Design and Layout

*The Council will expect a high standard of design and layout in all development proposals.*

C16 – Access to Buildings and Public Spaces

*The Council will seek to ensure that buildings as well as public spaces are readily accessible to all, including wheelchair users. Development proposals should be adequately designed to accommodate the needs of all users.*

**3) Neighbour Amenity**

Harrow Unitary Development Plan [2004]

D4 – The Standard of Design and Layout

EP25 – Noise

*In assessing planning applications, the Council will take into account noise and vibration levels likely to result from or affect a proposal and will require noise, vibration and disturbance to be minimised.*

**4) Section 17 Crime & Disorder Act**

Harrow Unitary Development Plan [2004]

D4 – The Standard of Design and Layout

**5) Consultation Responses**

None received.

**INFORMATION**

**a) Summary**

Statutory Return Type: Minor other  
Site Area: 11,800m<sup>2</sup>  
Car Parking: Standard: None proposed  
Council Interest: Council-owned property

**b) Site Description**

- Site is off High Street, bounded by Claremont Road and Spencer Road.

**c) Proposal Details**

- Single-storey temporary modular building comprising three classrooms.
- Temporary permission of five years sought.

**d) Relevant History**

P/0173/09	CONSTRUCTION OF NEW TWO STOREY BUILDING TO PROVIDE SIXTH FORM CENTRE; THREE NEW PARKING SPACES; LANDSCAPING; REMOVAL OF EXISTING SINGLE STOREY CLASSROOM BUILDING; NEW 2.1M HIGH FENCE.	GRANTED 30-JUN-09
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**e) Pre Application Discussion**

- The proposal was discussed with Lachlan McHaffie [Planner – Central Team].

**f) Applicant Statement**

- The School is to be in the next wave of BSF redevelopments. These classrooms are an interim replacement until the major redevelopment of the school is completed.
- A modular construction building is proposed which will house three classrooms with ancillary storage [e.g. games equipment].
- The proposed new block is single storey and will be adjacent to a 1.8m-high close boarded fence with additional trees and outbuildings to the neighbouring residential properties, does not directly overlook any adjacent plots.
- It is requested that planning permission be granted for a five-year period.

**g) Consultations:**

No response received.

**Notifications:**

Sent: 35 Replies: 0

Site Notice: 27-AUG-09

**Summary of Responses:**

No response received.

**APPRAISAL**

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

The proposed temporary single-storey modular building comprising three classrooms is required as an interim replacement until the major redevelopment of the school is completed, as part of the next wave of BSF redevelopments. This would assist in meeting the School's aspirations in providing education in quality classroom accommodation in the longer term.

The proposed temporary building is considered acceptable in principle in terms of scale and design, in accordance with Policy D4 of Harrow's UDP [2004] and the land use would not deviate from the existing use on the site. The Proposals Map in Harrow's UDP indicates the site as white land [non-designation]. Accordingly, there are no specific policy constraints in The London Plan [2008] or Harrow's UDP [2004] that would preclude its development. Essentially, the proposal is supported by Policy 3A.24 of The London Plan [2008].

The proposal contributes towards key themes of Harrow's Sustainable Community Strategy [Mar 09]. The Community Strategy sets out a vision for the Borough to 2020. One of the key themes of the Community Strategy is 'Every Harrow Child'. The Vision states:

*'Harrow will be a place where children and young people are healthy and safe and stay healthy and safe, where they are encouraged and helped to enjoy living, learning playing and growing and to achieve while doing so, where they can make a positive contribution to their own futures and to the future of their borough and the community generally, and where they can successfully prepare for and engage in activities to enjoy economic wellbeing.'*

This Vision identifies the importance of the development of children and young people in the Borough, to ensure they have access to education opportunities and are healthy and safe as well as promoting social opportunities. The proposal for temporary classroom accommodation supports this Vision, with the proposed refurbishment and upgrade works to the existing school buildings to occur concurrently. Consequently, Marlborough School will represent a much-improved education facility, in which children will be able to learn and develop.

**2) Quality of Design and Accessibility**

The proposed flat-roof temporary modular single-storey classroom buildings will be located at the northern most part of the site. The modular buildings are pre-fabricated in cedar board and stone aggregate strata board and will be 4m high. The materials are considered acceptable in principle, in accordance with Policy D4 of Harrow's UDP [2004]. Such detailing of materials is recommended as a condition, which can be attached to any planning consent.

The building will be raised a nominal 150mm above ground level. Access will be via a disabled ramp, which would comply with the requirements of the Disability Discrimination Act [1995]. The internal lobby and access to all classrooms is sized to suit Part M of the Building Regulations.

Consequently, on grounds of accessibility, the proposal accords with Policies 4B.1 and 4B.5 of The London Plan [2008] and Policy C16 of Harrow's UDP [2004].

**3) Neighbour Amenity**

The proposed location of the 4m-high temporary single-storey modular classroom buildings will be set within the boundary of the site by a minimum of 1m [approx.]. The main issue regarding the classroom building is the perceived impact of this unit on occupiers of the residential properties along Spencer Road. The single-storey modular classroom unit will be approximately 24m away from the façade of the residential properties along Spencer Road. The single-storey modular unit will have windows facing the boundary, though would provide a satisfactory separation distance to the nearest residential properties. Accordingly, this part of the proposal would accord with Policies D4 and EP25 of Harrow's UDP [2004]. It is recommended that any part of the windows up to 2m high from the finished floor level be obscurely glazed to protect the amenity of the occupiers of the residential properties along Spencer Road, which can be secured by a planning condition.

A planning condition is also recommended to ensure this temporary modular building be removed within five years of any consent.

In the interest of preserving the enjoyment of occupiers of the residential properties, a planning condition is also recommended as part of any planning consent to ensure construction works are carried out only between Mon-Fri and not at any other times, or on Bank Holidays. There will be no loss of trees as a result of the proposal and a condition is attached to any planning consent to ensure such trees on-site are maintained.

**4) Section 17 Crime & Disorder Act**

It is considered that the proposal would not have any detrimental impact upon community safety and is therefore acceptable on these grounds.

**5) Consultation Responses**

No response received.

## **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.

## **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 single-storey classroom modular building hereby permitted shall be removed and the land restored to its former condition within five years of the date of this permission, in accordance with a scheme of works submitted to, and approved in writing by, the local planning authority.

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

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)

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

REASON: To safeguard the appearance of the locality.

4 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.

5 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.

6 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.

7 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.

8. No construction / works in connection with the proposed development shall be carried out before 0800hrs or after 1800hrs on weekdays and any time on Saturdays, nor at any time on Sundays or Bank Holidays.

REASON: To ensure that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of neighbouring residents.

9. Notwithstanding the information shown on the submitted plans, the windows in the elevations facing the residential properties shall be obscurely glazed up to 2m above finished floor level.

REASON: To protect the amenity of occupiers of nearby residential properties.

10. Prior to first occupation of the development, details of soft landscaping for the screening of residential properties from the development along the boundary shall be submitted to and approved in writing. Such details as approved shall be implemented prior to first occupation of the development and thereafter be retained for at least as long as the development is in place.

REASON: To safeguard the amenity of nearby 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:

The London Plan [2008] Policies: 3A.24, 4A.3, 4B.1, and 4B.5.

The London Borough of Harrow UDP [2004] Policies: D4, C16, and EP25.

### **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 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.

### **4 INFORMATIVE:**

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (ie those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities.

Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

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

#### 5 INFORMATIVE:

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

#### 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: 1197/P001 B; 1197/P002; and 81388-U3-GP-001 C.

## SECTION 3 - APPLICATIONS RECOMMENDED FOR REFUSAL

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Item: 3/01

**84 STANMORE HILL, STANMORE, HA7 3BU P/1278/09/ML/E**

Ward STANMORE PARK

CONSTRUCTION OF THIRD FLOOR (FOURTH STOREY) TO EXISTING HOUSE (REVISED)

**Applicant:** Mr & Mrs G Adebayo  
**Agent:** Anthony Byrne Associates  
**Statutory Expiry Date:** | 12-AUG-09

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### RECOMMENDATION

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

- 1 The proposed third floor by reason of its height, scale and bulk, would result in a visually obtrusive and incongruous form of development which would be detrimental to the host property, the attached property and would detract from the character of the area, the Green Belt and the Harrow Weald Ridge Area of Special Character, contrary to the provisions of PPG2, London Plan policy 3D.8, and policies EP31, EP32, EP34 and D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance – Extensions: A Householders Guide (2003).
- 2 The proposed northern flank window would allow overlooking of the rear gardens of the adjacent properties and result in an unreasonable loss of privacy to neighbouring occupiers, contrary to Policy D5 of the Harrow Unitary Development Plan (2004).

### REASON

The decision to REFUSE 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 proposal would be detrimental to the character and appearance of the property, the area, the Green Belt and the Harrow Weald Ridge Area of Special Character.

PPG2 Green Belts

London Plan (2008):

3D.8 Green Belt

Harrow Unitary Development Plan (2004):

D4 Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

D10 Trees and New Development

EP31 Areas of Special Character

EP32 Green Belt – Acceptable Land Uses

EP34 Extensions to Buildings in the Green Belt

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

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

- 1) Character and Appearance of the Area, the Area of Special Character and the Green Belt (D4, D10, EP31, EP32, EP34, SPG)
- 2) Residential Amenity (D5, SPG)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

**INFORMATION**

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

**a) Summary**

Statutory Return Type: Householder

Council Interest: None

**b) Site Description**

- The subject site is occupied by a three storey semi detached house, and is located on the north eastern side of Stanmore Hill, within the Harrow Weald Ridge Area of Special Character and the Green Belt.
- The site has a long front drive shared with the adjoining house No.82.
- The front of the site is occupied by an electrical sub station and detached garage, which obscures the view of the attached dwelling, No.82, from the street.
- The subject dwelling has a large reception porch at the front and a single storey front extension.
- The attached dwelling No. 82 is unextended and on a lower building slab than the subject dwelling.
- The application property's rear garden extends beyond and to the rear of the garden at the adjacent property No.82.
- The application site borders Stanmore Hill Conservation Area which runs along its frontage and along the southern flank boundary of No.82.

**c) Proposal Details**

- Raising the height of the roof of the dwelling by 2m in order to construct a third floor (fourth storey).
- The proposed third floor would be 5.5m wide for the majority of its length, being set back by 1.5m from the front wall of the building and projecting back to its existing rear wall, for a depth of 12m, and across the northern slope of the roof.
- Over the southern roof slope a wider section of the extension would facilitate the staircase required to access the third floor, this element being 4.85m deep and bringing the total width of this section to 8m, this deeper section being set back by 4m from the front wall of the proposed northern element and 1.6m high.
- There would be three rooflights in the roof of the proposed third floor extension.
- The additional floor would facilitate an additional three bedrooms and a bathroom.
- A single window is shown in each of the east, north and west elevations of the new floor.

**Revisions since the previously refused application P/3754/07/DFU:**

- The height of the dwelling is increased by an additional 0.7m.
- A setback of the extension from the front of the building by 1.5m is shown.
- The addition of an extra bedroom in the proposed third floor.
- The addition of a window in the northern flank wall of the third floor extension.
- The addition of two rooflights and the deletion of a glazed roof over the extended stairwell.

**d) Relevant History**

LBH/6613	Demolish existing house and erect pair of semi detached houses and double garages.	GRANTED 22-SEP-71
EAST/199/02/FUL	Single storey front extension and alterations to elevations.	GRANTED 10-APR-02
P/2048/05/CFU	Single storey rear extension. (Unimplemented, expires 10-NOV-10)	GRANTED 11-NOV-05
P/3754/07/DFU	Third floor extension.	REFUSED 20-FEB-08

**Reason for Refusal:**

The proposed development, by reason of excessive height, scale and bulk, and unsatisfactory design, would result in disproportionate additions to the original building, giving rise to an excessive loss of openness, and an overbearing relationship with regard to the attached dwelling, to the detriment of the character and appearance of the property, the area, the Green Belt and the Harrow Weald Ridge Area of Special Character, contrary to the provisions of PPG2; London Plan policy 3D.8; and policies EP31, EP32, EP34 and D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance – Extensions: A Householders Guide (2008).

**e) Pre-Application Discussion**

- No formal pre-application submission was made to the Council.

**f) Applicant Statement**

- Planning permission and Building Regulations approval were obtained for the one existing extension on site.
- Design & Access Statement submitted.

**g) Consultations:**

- *Stanmore Society* – No response received.
- *CAAC* – Objection: The site is screened by trees to a certain extent but an additional floor would be obvious above the treetops. The property is already top heavy and therefore it would be out of proportion and out of balance to create an additional floor here. It would also be disproportionately large in comparison to the neighbouring property and would detract from the setting of the conservation area.

**Notifications:**

Sent: 3	Replies: 2	Expiry: 22-JUL-09
<b>Site Notice</b>	Posted: 9-JUL-09	Expiry: 30-JUL-09

**Summary of Responses:**

- Will interfere with neighbour's at No.82 rights to light and air,
- Will interfere with foundations and demise of No.82
- Lorries and skips will block the shared access to No.82
- A former garage at No.84 is being used as a separate dwellinghouse with its own entrance without planning permission or compliance with Building Regulations which should be investigated
- Occupiers of No.82 are not in agreement with the proposal contrary to the submitted information
- Overdevelopment of the property
- Will be considerably higher than No.82 and out of keeping with surrounding development
- PPG3 referenced by the application does not apply as the house is already overdeveloped.

**APPRAISAL**

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

The subject site is within the Harrow Weald Ridge Area of Special Character and the Green Belt. The site is part way up Stanmore Hill on the incline, and abuts the northern end of the Stanmore Hill Conservation Area. There is a mixture of building designs and layouts in the local area, with the buildings within the Conservation Area being of a significantly older more compact nature, whilst the dwellings to the north in Spring Lake are large detached dwellings with significant open space.

The subject property is one of a pair of 3 storey semi detached dwellings that were built in the early 1970's. They are matching dwellings of modern design with skillion roofs of varying heights and interesting facades with alcoves and projections which enhances the overall standard of development. The two dwellings are at the southern end of the Green Belt, which extends to the north and as such the subject site is an important interface between the more developed area of Stanmore Hill, and the larger detached properties to the north. Therefore, it is considered that the relationship between the subject site and the plots to the north is considered important to the overall character of the local area, with the openness and greenness that characterises the subject plot, and those to the north, an essential feature to maintain.

The features of the subject site are the large front setback of the houses from the street frontage, the standard of design of the two dwelling houses and the interconnected relationship between the two dwellings. The constraints of the site include its relationships with the Green Belt, Area of Special Character, Conservation Area and neighbouring house, together with the compact nature of the site, given the existing building footprints and small rear garden of No.82, particularly when compared to the plots to the north. It is therefore considered of primary importance to retain the standard of design of the dwelling, without impinging on the existing openness or the relationship with the attached dwelling.

The Green Belt location of the property dictates that any extensions would need to be appropriate in terms of bulk, height and site coverage and not result in disproportionate additions over and above the size of the original dwelling. The dwellinghouse has been previously extended and the following table outlines the increases in footprint and floor area that have resulted on site, as well as what is proposed with this scheme.

	<b>Original</b>	<b>Existing</b>	<b>% Increase Over Original</b>	<b>Proposed</b>	<b>% Increase Over Original</b>
Footprint	138m <sup>2</sup>	160m <sup>2</sup>	16%	164m <sup>2</sup>	19%
Floor Area	334m <sup>2</sup>	341m <sup>2</sup>	2%	413m <sup>2</sup>	24%
Volume	1002m <sup>3</sup>	1023m <sup>3</sup>	2%	1173m <sup>3</sup>	17%

The above proposed figures also include an unimplemented but still valid permission for a small 2.7m x 1.6m single storey rear extension. The additional floor area would be located in the extension to the roof area of the existing dwellinghouse, resulting in an increase in height and bulk that is considered to be inappropriate development within the Green Belt location and contrary to policy EP34(A). In comparison with the previously refused application, which although not set back from the front of the property included an extension 0.7m lower than that currently proposed, this latest application proposes an increase in volume 3% more than that which was refused as part of the application P/3754/07/DFU.

The impact of the proposed extension on the character of this part of the Green Belt and Area of Special Character is exacerbated by the narrow nature of the site, and the resultant lack of space about the building, which are both existing elements that limit the sense of openness on the site and require the proposal to 'borrow' openness from around the dwelling.

The proposed increase in height, which would enable an additional storey on the dwelling house, is considered to significantly impact on the relationship between the subject dwelling, and the attached dwelling. Given the sloping nature of the site, the subject dwelling already sits slightly higher than the attached dwellinghouse, with the increase in height proposed this would increase from 900mm to 2.5m at its closest point, with a maximum difference in the ridge maximum height of the two dwellings of 3m. The result is considered to be harmful to the balance of this pair of houses and detrimentally affect the overall appearance of and relationship between the buildings and the skyline. The subject dwelling would appear dominating and overbearing when compared with the attached building and the loss of balance between the two buildings would be harmful to the character of the properties and the area.

This revised proposal, in comparison to the refused application P/3754/07/DFU, although setback from the front of the property by 1.5m, actually proposes a larger extension due to the increase in the height of the proposal by an additional 0.7m which would contain an extra bedroom, resulting in an 8 bedroomed property on this modest sized plot.

The revisions made to the proposal are therefore considered to reinforce the reason for refusal of the previous application rather than address and overcome the concerns relating to a scheme of this nature on this site.

Given the above, it is considered that the proposal would not preserve the appearance of the area, but would harm the structural features that contribute to the character and appearance of the Area of Special Character, the Green Belt, the local area and the dwelling itself.

**2) Residential Amenity**

The previously refused scheme P/3754/07/DFU was not considered to have a detrimental impact upon the residential amenities of neighbouring occupiers. Despite the increase in height proposed as part of this application it is considered that this current application would not be detrimental to the outlook of neighbouring properties or unduly overshadow them due to the siting of the adjacent properties. However, a newly introduced bedroom window in the northern flank wall of the proposed first floor of the additional bedroom proposed as part of this current application would result in the direct overlooking of the rear of the adjacent properties on Spring Lake, which would result in a perceived and actual loss of privacy to the detriment of the amenities of neighbouring occupiers, contrary to policy D5 of the UDP.

**3) S17 Crime & Disorder Act**

The proposal is considered not to have any detrimental impacts with respect to this legislation.

**4) Consultation Responses:**

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

- *Objection, will interfere with neighbour's at No.82 rights to light and air* – The right to air is not a material planning consideration. The proposed extension is to the north of No.82 and so is considered of no detriment to natural light to No.82.
- *Will interfere with foundations and demise of No.82, lorries and skips will block the shared access to No.82* – These issues are not material planning considerations.
- *A former garage at No.84 is being used as a separate dwellinghouse with its own entrance without planning permission or compliance with Building Regulations which should be investigated* – Following investigation by the Planning Enforcement Team it was concluded that the alleged unauthorised use of the property as two dwellings is unfounded, and that the use of the front extension as a Granny Annexe is immune from enforcement action and therefore the case was closed.

**CONCLUSION**

This proposal for a third floor extension conflicts with the relevant design and Green Belt policies contained within the UDP. It is considered that the proposed development would have an adverse impact upon the character and appearance of the area the Green Belt and Area of Special Character and upon the residential amenity of neighbouring occupiers.

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.

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

PPG2 Green Belts

London Plan (2008):

3D.8 Green Belt

Harrow Unitary Development Plan (2004):

D4 Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

D10 Trees and New Development

EP31 Areas of Special Character

EP32 Green Belt – Acceptable Land Uses

EP34 Extensions to Buildings in the Green Belt

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

Plan Nos: 5536/1, 5536/2A, 5536/A4/9

## SECTION 4 – CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

**SECTION 5 - PRIOR APPROVAL APPLICATIONS**

NONE.