

Planning Committee

PLANNING APPLICATIONS RECEIVED

DATE:

Tuesday 3 September 2013

PLANNING COMMITTEE

APPLICATIONS

TUESDAY 3RD SEPTEMBER 2013

PLANNING APPLICATIONS RECEIVED

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SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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PLANNING COMMITTEE

TUESDAY 3RD SEPTEMBER 2013

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SECTION 1 – MAJOR APPLICATIONS

ITEM NO. 1/01

ADDRESS: THE HIVE FOOTBALL CENTRE (FORMERLY PRINCE EDWARD PLAYING FIELDS), CAMROSE AVENUE, EDGWARE

REFERENCE: P/0665/13

DESCRIPTION: VARIATION OF CONDITION 29 (APPROVED PLANS - ADDED THROUGH APPLICATION P/2807/12) ATTACHED TO P/0002/07 DATED 08/04/2008 FOR 'REDEVELOPMENT FOR ENLARGED FOOTBALL STADIUM AND CLUBHOUSE, FLOODLIGHTS, GAMES PITCHES , BANQUETING FACILITIES, HEALTH AND FITNESS FACILITY, INTERNAL ROADS AND PARKING' TO ALLOW MINOR AMENDMENTS TO THE STADIUM COMPRISING: PHASE 1: INTERNAL AND EXTERNAL ALTERATIONS TO EAST STAND INCLUDING ADDITIONAL ROW OF SEATS; INCREASE IN HEIGHT, DEPTH AND CAPACITY OF WEST STAND INCLUDING CAMERA POSITION; REDUCTION IN CAPACITY OF STANDING AREAS; INCREASE IN HEIGHT OF FLOODLIGHTS AND RE-SITING OF SOUTHERN FLOODLIGHTS; ADDITIONAL TURNSTILES, SPECTATOR CIRCULATION, FENCING, FOOD KIOSKS AND TOILETS; ALTERATIONS TO PARKING AREAS. PHASE 2: REPLACE NORTH STAND WITH SEATED STAND; REDUCTION IN CAPACITY OF STANDING AREA IN SOUTHERN STAND; EXTENSION TO REAR OF WEST STAND TO PROVIDE INDOOR SPECTATOR SPACE (TOTAL STADIUM CAPACITY NOT TO EXCEED 5176 AS PREVIOUSLY APPROVED)

WARD: QUEENSBURY

APPLICANT: THE HIVE DEVELOPMENTS LTD

AGENT: AND ARCHITECTS

CASE OFFICER: OLIVE SLATTERY

EXPIRY DATE: 06-JUN-13

RECOMMENDATION

REFUSE permission for the development described in the application and submitted plans for the following reason.

REASON

The application has failed to demonstrate that the impact of the floodlights would not result in significant harm to the amenities of neighbours by virtue of unacceptable lighting levels within and adjacent to residential properties surrounding or near to the site. The proposals are therefore contrary to policies DM 1C and DM 48C of the Development Management Policies Local Plan (2013).

INFORMATION

This application is reported to Planning Committee as it proposes a variation to conditions on a development that, in the opinion of the Director of Planning, raises potentially substantial amenity issues and therefore falls outside Category 7 of the Scheme of Delegation. The application was deferred at the meeting of the Planning Committee on 1st August to enable a “screening opinion” to be carried out, pursuant to the Environmental Impact Assessment regulations 2011. The Screening opinion has been undertaken and concluded that the proposal is not EIA development. It has been placed online and a further round of public consultation has been undertaken in relation to a report into the floodlighting tests that were submitted to the Council prior to the meeting on 1st August. The recommendation for refusal of the application has also been updated in response to the report submitted.

Summary

Statutory Return Type: (E) Large-scale Major Development
Council Interest: The Council is the Freeholder of the site

Site Description

- The site comprises former educational sports grounds designated as open space within the Core Strategy (2012). It is now occupied by a football stadium with ancillary facilities, open air grass and synthetic football pitches.
- The site has been developed in accordance with planning permission granted in 2008, to expand the stadium and improve the playing fields provided on the site.
- The site is bound by the Jubilee Line railway to the west, with residential properties fronting Aldridge Avenue on the other side of the railway embankment: 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.
- The original site level falls from the north to the Edgware Brook, which crosses the site, and then rises again to Camrose Avenue.
- The part of the site adjacent to the Brook is in Flood Zone 3a/3b (including an Environment Agency flood defence bund), whilst the northernmost part of the stadium is within Flood Zone 2.
- The site is designated as a proposal site within the Harrow Core Strategy. It is recognised as a centre of sports excellence, providing important opportunities for community access to high quality facilities and local sports participation. The planning permission granted in 2008 is consistent with this designation.
- The main access to the site is from Camrose Avenue, with secondary access (pedestrian only) from Whitchurch Lane.

Proposal Details

Planning permission was granted on the 8th April 2008, for a redevelopment of the site to provide an enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking, subject to a number of conditions. Condition 29 was added by non-material amendment application P/2807/12 and lists the approved plans to be complied with. This application proposes to vary condition 29. The proposed variation is for minor material amendments to the approved stadium, across two building phases as set out on the application drawings:

Phase 1

- Internal and external alterations to the approved east stand, including additional row of seats on lower tier, re-cladding/re-painting of external surfaces and external alterations to doors and windows. The drawings also indicate that the upper tier of seating approved will not be provided. The submitted Design and Access Statement advises that 'sightlines to the pitch at this high level do not meet the green guide safety at sports grounds requirements'.
- Increase in height of the west stand (by 5.6 metres), depth (by 4.2 metres) and capacity and the addition of a camera position (2.6 metres deep and 4 metres high).
- Reduction in width of the west stand (by 15 m)
- Proportionate reduction in capacity of standing areas (north and south stands) to ensure overall capacity does not increase.
- Increase in height of floodlights from 15.7 metres to 27.8 metres and re-siting of southern floodlights. The plans show that the floodlights comprise a 22 m high mast and a 5.8 m high head frame. The Design and Access Statement refers to a 25 m high mast and a 3 m high head frame. These latter dimensions are confirmed in the report prepared by the lighting consultant, included in the application and correspond to the floodlights now installed on the site. This assessment has been made on the basis of the submitted plans and structures now erected. The submitted Design and Access Statement states that the taller floodlights are required to meet current FA requirements and to create less shadows on the pitch and to reduce light spillage as the lights are directed more downwards instead of across the pitch and the site. It further states that this also helps to reduce glare to tubeline trains and neighbouring residents as the light is directed downwards.
- Additional turnstiles, spectator circulation, fencing, food kiosks and toilets.
- Alterations to parking areas.
- The resultant capacity of each stand is set out as follows:

Stand	Capacity
North	764
South	764
East	1014
West	2634
Total	5176

The majority of the phase 1 works have been carried out on the site.

Phase 2

- Replace existing north stand with a seated stand (increase in height by 4.4 metres; increase in depth of 3.8 metres and *reduction* in width by 20.7 metres).
- Proportionate reduction in capacity of standing area in southern stand.
- Full height extension to rear of west stand (depth between 6.3 metres and 13.9 metres, chamfered to run along jubilee line boundary) to provide indoor spectator space.
- The resultant capacity of each stand is set out as follows:

Stand	Capacity
North	1035
South	493
East	1014
West	2634
Total	5176

Phase 1 has been substantially completed, whilst Phase 2 is expected at a later date.

As set out in the above tables, the proposals would not increase the total stadium capacity beyond 5,176, which was the capacity originally approved by the 2008 permission.

Relevant History

EAST/148/01/OUT - Outline: football stadium, terraces, stand & clubhouse, floodlights to ground, artificial pitch & tennis courts, health & fitness facilities, parking, vehicular access from Camrose Avenue
Granted - 11-Apr-2003

P/1087/03/DVA - Variation of condition 13 of planning permission East/148/01/OUT to provide revised parking layout
Granted - 29-Jul-2003

P/898/03/CDP - Details of design and appearance of building and landscaping pursuant to condition 2 of outline planning perm. East/148/01/OUT for football stadium associated works
Granted - 04-Aug-2003

P/0002/07

Redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking
Granted : 08-APR-08

P/1321/08

Alterations and internal changes to east stand and change of use of part of first floor of east stand from D2 (assembly and leisure) to primary care trust premises
Granted : 06-OCT-08

P/1226/09

S.73 application to vary condition 27 (development within the area liable to flood) attached to planning permission P/0002/07
Granted : 25-AUG-09

P/2022/09

Variation of condition 18 (external lighting) pursuant to planning permission ref: P/0002/07/CFU dated 8 April 2008 from 'All exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road or car park level that shall be extinguished not more than 60 minutes after the end of any match or event' to 'All exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road and car park level that shall be extinguished not more than 60 minutes after the end of any match or event.'
Granted : 06-NOV-09

P/2257/09

Variation of condition 17 (floodlighting) pursuant to planning permission ref: P/0002/07/CFU dated 8 April 2008 from 'The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 2200 hours except when evening matches are being played at the

main stadium when floodlighting shall only be used up to 2300 hours' to 'The floodlighting hereby permitted for playing surfaces shall only be used on any day up to 2300 hours, until commencement of use of the playing surface of the main stadium, at which time floodlighting

for the main stadium shall only be used on any day up to 2300 hours, and any other floodlighting within the site hereby permitted for playing surfaces shall only be used on any day up to 2230 hours'.

Refused : 29-DEC-09

Reason for Refusal:

1) The proposed variation of condition to extend the hours of floodlighting would result in unacceptable detriment to the living conditions of neighbouring residential properties contrary to policies D4 and EP25 of the Harrow Unitary Development Plan.

P/2912/09

Variation of condition 17 (floodlighting) of planning permission ref: P/0002/07 dated 8 April 2008 from 'the floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.00 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours' to 'the floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.30 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours'; variation of condition 18 (external lighting) from 'all exterior lighting other than floodlighting shall be extinguished on any day not later than 22:30 hours, except lighting not more than 1m above the finished road or car park level that shall be extinguished not more than 60 minutes after the end of any match or event' to 'exterior lighting other than floodlighting shall be extinguished on any day not later than 23.00 hours except lighting in the main car park which shall be extinguished not later than 23.30 hours. when holding a match or event, lighting not more than 1m above the finished road and car park lighting shall be extinguished not more than 60 minutes after the end of such match or event'

Granted : 15-Jun-10

P/1693/12

Variation of condition 17 (floodlighting) of planning permission ref: P/0002/07 dated 8 April 2008 from 'the floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.00 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours' to 'the floodlighting hereby permitted for playing surfaces shall only be used on any day up to 22.30 hours except when evening matches are being played at the main stadium when floodlighting shall only be used up to 23.00 hours'

Variation of condition 18 (external lighting) from 'all exterior lighting other than floodlighting shall be extinguished on any day not later than 2230 hours, except lighting not more than 1m above the finished road or car park level that shall be extinguished not more than 60 minutes after the end of any match or event' to 'exterior lighting other than floodlighting shall be extinguished on any day not later than 23.00 hours except lighting in the main car park which shall be extinguished not later than 23.30 hours. when holding a match or event, lighting not more than 1m above the finished road and car park lighting shall be extinguished not more than 60 minutes after the end of such match or event'
Granted : 10-SEP-12

P/2807/12

Non-material amendment to add a condition detailing approved plans to planning permission P/0002/07 dated 08/04/2008 for redevelopment for enlarged football stadium and clubhouse, floodlights, games pitches , banqueting facilities, health and fitness facility, internal roads and parking
Approved : 27-NOV-12

Pre-Application Discussion

- None

Applicant Statements

- Design and Access Statement, which includes details relating to lighting and noise
- Drainage Report
- Letter from Abacus Lighting received 31 July 2013

Consultations:

- Environment Agency – No objections to the proposal (comments dated 15 July 2013)
- Highways Authority - As the stadium capacity is to remain unaltered there are no specific comments on this condition variation
- Biodiversity Officer – No objection. Measures recommended in relation to provision of bird boxes
- Environmental Protection– Light: Given the information provided, I am still not convinced that the raising of floodlights will not have an impact on the locality. Looking at the new drawings, increasing the height still seems to increase the line of sight especially from Aldridge Avenue. The report has provided details of horizontal light spill but has not provided the vertical effect on the affected properties, and this is the main concern. Until such time that a more detailed assessment can be made on the effect of the net increase in height of the floodlights, Environmental Protection will have to recommend refusal of the scheme as it stands
- Noise - As stated previously I have looked at the proposal for the change in spectator numbers in each stand, but given the changes amount to less than 20% if my calculations are correct this would have very little noise effect as the total number of the stadium itself is unchanged and as such the displacement of such a minimal number of spectators is in my opinion not of any major concern.
- Transport For London - No objections to the proposal (comments dated 27 June 2013)
- London Underground – The applicant is in communication with London Underground engineers with regard to the development above. Therefore, we have no comment to make on the application except that the developer should continue to work with LU engineers.
- Drainage Officer – No Response received to date

- Canons Park Residents Association – No Response received to date

Notifications:

1st Consultation

Site Notice: 4 April 2013

(2 x site notices were erected at the Camrose Avenue site entrance and the Whitchurch Lane site entrance)

Expiry: 25 April 2013

Advertisement: 28 March 2013

Expiry: 18 April 2013

Letters Sent: 425

Replies: 5 (including petition of 89 signatures)

Expiry: 29 April 2013

Addresses Consulted:

- 14-34 (even) St David's Drive;
- 1-43 (odd) St David's Drive;
- Little Stanmore School, St David's Drive;
- 212-322 (even) Camrose Avenue;
- 231-297 (odd) Camrose Avenue;
- 224-258 (even) Whitchurch Lane;
- 8-12 (conc) Torbridge Close;
- 56-74 (even) Bransgrove Road;
- 67-87 (odd) Bransgrove Road;
- 12-44 (conc) Buckingham Gardens;
- 152-160 (even) Buckingham Road;
- 36-54 (even) St Bride's Avenue;
- 2-122 (even) Aldridge Avenue

Summary of responses:

- Concerns relating to noise from matches
- No regard has been taken to lower or minimise sound and light levels which affect local residents
- Vast numbers of people visit The Hive leading to an increase in traffic and this impacts on parking
- The original planning permission was for a training ground and community use of football pitches – this did not state that first team matches could be played here
- Noise and impact on quiet enjoyment of nearby properties
- There is a lack of public transport from Barnet
- There are existing parking problems on the surrounding streets
- The floodlighting causes a lot of distraction in the evenings
- The proposal is unacceptable in a residential area
- The proposal will impact on private and working lives
- Light disturbance has been experienced even when curtains are drawn
- Increased risk of criminal activity
- Increase in the amount of litter

The grounds for objection in the petition are summarised as follows:

- There has been a break-down in communication between Harrow Planning Services and residents – residents are ignorant of the fact that planning permission had been granted for a football stadium to be built on site
- Communications from Harrow Planning Services should be personalised
- The proposal is unacceptable in a residential area
- Events were held last summer and these resulted in unacceptable levels of noise
- Sound pollution from football training disrupts children's sleep – it takes little imagination to envisage the alarming escalation in volume from a stadium
- Oppose the proposed increase in size, height and number of floodlights – this will aggravate existing light pollution
- Parking congestion problems
- The proposal will decrease property prices

2nd Consultation

Site Notice: 24 May 2013

(2 x site notices were erected at the Camrose Avenue site entrance and the Whitchurch Lane site entrance)

Expiry: 14 June 2013

Advertisement: 30 May 2013

Expiry: 20 June 2013

Letters Sent: 425

Replies: 11

Expiry: 14 June 2013

Addresses Consulted:

- 14-34 (even) St David's Drive;
- 1-43 (odd) St David's Drive;
- Little Stanmore School, St David's Drive;
- 212-322 (even) Camrose Avenue;
- 231-297 (odd) Camrose Avenue;
- 224-258 (even) Whitchurch Lane;
- 8-12 (conc) Torbridge Close;
- 56-74 (even) Bransgrove Road;
- 67-87 (odd) Bransgrove Road;
- 12-44 (conc) Buckingham Gardens;
- 152-160 (even) Buckingham Road;
- 36-54 (even) St Bride's Avenue;
- 2-122 (even) Aldridge Avenue

Summary of responses:

- There appears to be no consideration to restrict or help reduce noise levels
- The proposal will increase light pollution to local residents
- Object to the proposals to expand the football stadium in a totally unsuitable area
- The playing fields were intend to be for community use and not for use by a football team from another Borough
- Traffic jams appear on Whitchurch Lane every time there is an event at Wembley – what will happen if Barnet are playing and there is an event at Wembley?
- Traffic congestion will impact on emergency services and public transport access

- Existing floodlights already glare into back gardens along Aldridge Avenue – the proposal to increase their height is totally unacceptable
- The high floodlights will be an ugly sight as the trees that originally lined the open fields were all cut down
- The increase in the height, depth and capacity of the west stand will result in a huge ugly metal structure
- Residents have has to put up with shouting and listening to obscenities often until 11:30 pm and are woken up by loud announcements on loud speakers
- Perhaps the Hive should compensate local residents for the chaos being caused
- The whole stadium is totally overbearing and far too large – allowing it to get bigger is inconceivable
- Lack of privacy for local residents - The Hive continue to allow visitors, spectators and official photographers to stand up on the large mound that separates the pitches from back gardens along Camrose Avenue
- The original planning permission did not allow professional football to be played on this site but Barnet now intend to play Conference League football from September 2013 – this contravenes the planning permission
- Camrose Avenue is already dangerous
- Children have trouble studying in the evenings and sleeping at night because of the noise that is made on the Hive pitches – this is impacting upon their learning

3rd Consultation

Site Notice: 10 July 2013

(4 x site notices were erected at the Camrose Avenue site entrance, the Whitchurch Lane site entrance and both entrances to Stanmore Place)

Expiry: 31 July 2013

Advertisement: 11 July 2013

Expiry: 01 August 2013

Notifications:

Sent: 2517

Replies: 6

Expiry: 31 July 2013

Addresses Consulted:

2517 notification letters were sent to properties within a wide area surrounding the site, extending south to Rock Avenue, west to Honeypot Lane, north to the Whitchurch Lane and east to Merlin Crescent.

Summary of Responses:

- The venue is too big for its space
- Traffic conditions and parking are already pushed to its limit on game days
- Extending the facilities is clearly taking it beyond a training ground
- This is a residential area with challenging traffic and parking conditions
- If professional football is to take place, the crowds and problems will be proportionally larger
- The gridlock caused during the recent pre-season friendly is obviously a sign to come during the football season - Suggest that further amendments should include on-site parking
- Degradation of a residential area

Notification of additional information

Sent 2517

Replies 0

Expiry: 26 August 2013

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

BACKGROUND

This application is for a 'Minor Material Amendment', under a procedure introduced by the Government in 2009. The applicant applies to vary the planning condition under Section 73 of the Town and Country Planning Act 1990 (as amended) which sets out the approved plans for the development, by substituting some or all of these plans which indicate the changes to the scheme.

Government Guidance on 'Minor Material Amendments' does not define what changes may be treated as 'minor material amendments' although the government has confirmed that they "agree" with the definition proposed by WYG (White Young Green Planning and Design): *"A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved"*. This is not, however, a statutory definition.

It is therefore the responsibility of each Local Planning Authority to determine the definition of 'minor material'. A judgment on "materiality" in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgment on materiality is always the original planning permission. The cumulative effects of any previous amendments need also to be assessed against any original permission.

In this case, the application site comprises some 17.3 hectares of designated land. A planning permission granted in 2008 has permitted up to 5176 spectators to watch floodlit football matches from four stands, largely enclosing a football pitch. The site provides circa 300 parking spaces in addition to space for coaches. The main facilities for the stadium are provided in the substantial 2 storey building located along the eastern side of the pitch (the east stand).

The proposals do not introduce any new uses to the site, or change the character of the

permitted use of the stadium (albeit that the property lease did not envisage use of the site for first team football). The minor works to provide turnstiles, ticket office and vending locations that will contribute to control of crowds and enable the management of the site for first team football matches of Barnet Football Club are not considered to have a material effect on the character of the site as a whole, or the stadium complex itself, when viewed from surrounding properties. The new west stand and the replacement of the North stand in the future for taller structures, with different capacities to the approved/existing stands together with the increased height of the floodlights are considered to have a material impact on the appearance of the site, albeit that the impact is not such that in the opinion of officers, it automatically results in a change to the character or impact of the development which would take the proposals outside of the scope of an application of this type.

The effect of the Section 73 application is to issue a new planning permission.

MAIN CONSIDERATIONS

Principle of Development
Character and appearance of the Area
Residential Amenity
Flood Risk and Drainage
Traffic and Parking
Biodiversity
Accessibility
S17 Crime & Disorder Act
Equalities and Human Rights
Consultation Responses

Principle of Development, Open Space and Sports Facilities

The principle of providing a football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking has been firmly established by a previous planning permission which was approved by the Planning Committee on 14th March 2007 (planning application reference P/0002/07). This planning permission was not issued until 8th April 2008, following the completion of an S106 agreement, to secure a contribution towards controlled parking and the submission and implementation of a Travel Plan. The current planning application proposes minor material amendments to the approved planning permission and these would take place across two building phases, as set out on the application drawings and details in the 'proposed details' section of this report. The first phase of the proposals is now largely completed on the site. The application has been the subject of a screening opinion which has concluded that an Environmental Assessment is not required.

It is clear that the proposed amendments involve physical changes to the site compared with the approved scheme. However, the proposal would not alter the nature of the approved use, nor would it increase the total stadium capacity beyond 5,176, which was the capacity originally approved by the 2008 permission.

In considering whether to accept an application of this type, the Committee must consider whether the changes proposed to the scheme, both individual and on a cumulative basis, would result in a development that is substantially different from the one that has been approved. Having considered this first matter, the Committee must then decide whether the amendments proposed, having regard to the development plan and any other material considerations, are acceptable.

On the basis of the Government's definition – "A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved" – it is considered that the proposed development could reasonably constitute a minor-material amendment. Clearly, components of the approved scheme would change. Fundamentally, however, the nature of the approved use and the site layout would not change.

In considering this application under Section 73 of the Act, because it effectively issues a new planning permission that will replace the existing one, due consideration must nevertheless be given to all aspects of the development, the site history and material planning considerations. As the Council granted planning permission within the context of the site circumstances at that time and the policies of the Development Plan in force in 2008 (although the Planning Committee considered the application in 2007), it is appropriate then to re-consider the scheme in the context of relevant changes in site circumstances and planning policy since the original grant of planning permission, and any other material considerations.

In terms of the site circumstances, the approved development from the 2008 permission has been substantially implemented, so that the lawful use of the site is now that permitted by the planning permission albeit with previous permitted changes to the approved scheme.

In terms of planning policy, The National Planning Policy Framework (NPPF) was published by the Government on March 27th 2012. The NPPF does not change the law in relation to planning (as the Localism Act 2012 does), but rather sets out the Government's planning policies for England and how these are expected to be applied. It remains the case that the Council is required to make decisions in accordance with the development plan for an area, unless other material considerations indicate otherwise (S.38(6)) of the Planning Act).

The development plan for Harrow comprises:

- The London Plan 2011
- The Local Development Framework, comprising the Harrow Core Strategy 2012, the Harrow and Wealdstone Area Action Plan 2013, the Development Management Policies Local Plan 2013, the Site Allocations Local Plan 2013 and the Harrow Local Area Map 2013.

The Government announced its intention to introduce the presumption in favour of sustainable development (in the 2011 budget and the 'Planning for Growth' paper) in 2011 and issued a draft NPPF for consultation. Both the emerging presumption and draft NPPF were in the public domain before the Examination in Public hearing sessions of Harrow's Core Strategy in late summer 2011. Upon the advice of the examining Planning Inspector, the Council undertook a post-hearings re-consultation exercise to *inter alia* solicit views about the implications of these for the Core Strategy. Paragraph 7 of the Planning Inspector's report into the soundness of the Core Strategy confirms that he took into account representations received in respect of these matters. The published NPPF formalises the presumption in favour of sustainable development and carries forward the thrust of the Government's intentions for a streamlined, pro-growth national planning policy position as set out in the 2011 draft. Officers are therefore confident that the Core Strategy (2012) is in general conformity with the published NPPF and that, taken together

with the London Plan (2011), there is a clear and up-to-date Development Plan for the delivery of sustainable development in Harrow.

The application site is designated as open space within the Harrow Core Strategy (2012). The NPPF recognises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities, and places significant protection on open space, sports and recreational buildings and land, including playing fields (Paragraph 74).

In 2013, Harrow Council adopted The Local Development Framework (2013), deleting the previously considered saved policies of the Harrow Unitary Development Plan 2004. The Harrow Core Strategy (2012) represents a component of The Local Development Framework and sets out Harrow's spatial strategy for managing development and growth in the Borough over the plan period from 2009 to 2026. The strategy provides a positive plan for ensuring that the Borough's housing, employment, infrastructure and other needs are met over the plan period in a way that contributes to achieving sustainable development.

This spatial strategy includes specific reference to Prince Edward Playing Fields and the investment provided by Barnet Football Club. This reflects the importance of the site in strategic planning terms and the importance of the site locally as a high quality community facility and an important sporting destination. On this basis, the Development Plan contains a commitment to maintain Prince Edward Playing Fields as an important sporting destination and supports opportunities for enhanced community access (Core Policy CS9.D). Further to this, policy DM 48.A of the Development Management Policies Local Plan seeks to enhance outdoor sports facilities provided that there would be no conflict with Green Belt, Metropolitan Open Land and open space; no detriment to any heritage or biodiversity assets within or surrounding the site; and no adverse impact on residential amenity or highway safety. These matters and the specific policy requirements will be considered at a later stage in this appraisal.

On a strategic level and having regard to the lawful (and designated) use of the site it is therefore considered that the application is in broad conformity with the Development Plan for the area. As such, it is considered that the application is also consistent with the NPPF.

Conclusion

Whilst it is clear that the proposed amendments would involve physical changes to the approved permission, the proposal would not alter the nature of the approved use, nor would it increase the total stadium capacity beyond 5,176, which was the capacity originally approved by the 2008 permission.

Having regard to the strategic policy considerations within the Development Plan, set out above, and all other material planning considerations, the principle of a centre of sports excellence at Prince Edward Playing Fields is considered to be acceptable and consistent with the adopted NPPF.

The NPPF and Development Plan nevertheless require that the development satisfies a number of specific policy considerations, related to its detailed design and the impacts arising from it. These matters and the specific policy requirements will be considered below.

In concluding that, in principle, the proposed developments are acceptable, officers acknowledge that there are concerns that have been raised by local residents in relation to the use of the stadium by Barnet Football Club for first team football league matches. However, in the context of the “lawful use” permitted by the 2008 planning permission, there is no *planning* restriction on the use of the stadium for these purposes. The lease agreement, which sits outside of the planning remit, restricts professional football (defined as league 2 or above) from being played at the stadium. However, there is no restriction on non-league games being played and it is noted that Barnet FC have recently been relegated out of the football league.

Character and Appearance of the Area

The scale and layout of a football stadium and clubhouse, floodlights, games pitches, banqueting facilities, health and fitness facility, internal roads and parking has previously been considered to be appropriate within its context (Planning application reference P/0002/07). This planning permission has been implemented and is considered to represent a lawful “fall-back” position in this instance.

This application proposes amendments to the approved stadium on the site, to be constructed over two phases, as set out above in the Proposal Details section of this report. The proposed amendments are appraised in relation to their impact on the character and appearance of the area, having particular regard to the fall-back position and the up-to-date Development Plan.

Policy Context:

The NPPF states (paragraph 64) that ‘permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions’. The NPPF continues to advocate the importance of good design though it is notable that the idea of ‘design-led’ development has not been carried through from previous national policy guidance to the National Planning Policy Framework.

The London Plan (2011) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. Core Strategy policy CS1.B states that ‘all development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design’.

Policy DM 1 of the Development Management Policies Local Plan requires all development proposals to achieve a high standard of design and layout, having regard to massing, bulk, scale and height of proposed buildings; the appearance of the proposed buildings; the context of the site; the provision of appropriate space around buildings; the need to retain existing natural features; the functionality of the development and the arrangements for safe, sustainable and inclusive access and movement’.

Site Context:

The site is not in a Conservation Area nor is it within the setting of a Listed Building. There are no protected views towards the site. It is bound by the Jubilee railway line 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 context for the application site is a predominantly residential area, with a mix of traditional two storey semi-detached properties and the more recent modern flatted development to the north west of the site, along with employment space and industrial uses within the designated industrial location along Honeypot Lane. The application site itself comprises a large space within this area, covering over 17 hectares. In this context, public views of the site from the highway are generally limited to glimpsed views, particularly from Camrose Avenue. From these public viewing points, the site is generally seen as an established stadium complex. The exception in terms of public views is from the Jubilee railway line, from where the site is highly visible and immediately obvious. These views are dominated by facilities associated with the existing sports use of the site; a football stadium and clubhouse, floodlights, games pitches, internal roads and parking area.

The site is also overlooked by the rear gardens and rear elevations of residential properties that surround the site, although this matter is discussed at length in section 3 of this appraisal relating to amenity.

Assessment of the current proposal:

Phase 1

- *Internal and external alterations to the approved east stand, including additional row of seats on lower tier, re-cladding/re-painting of external surfaces and external alterations to doors and windows.*

The east stand of the stadium has been constructed and has been occupied on site for a number of years. This application does not propose any changes to the uses within the building. It is considered that the minor alterations to seating, doors and windows do not give rise to a substantially different 'stand' than that which has been approved, and to this end its scale and appearance is considered to be acceptable.

It is proposed to alter the colour scheme of the stadium as a whole, including the re-cladding of the external surfaces of the east stand. The Design and Access Statement advises that the colour scheme proposed is a dark grey colour. Although the amendments proposed to the east stand have already taken place on site, it is unclear whether or not the external materials of the building on site are those proposed under this application. It is considered that the materials and colour of the existing east stand are acceptable. However, in the absence of any specific samples being provided and for the avoidance of doubt, a planning condition would be required for the full details of materials to be submitted and approved in writing in order to ensure coherence to the material/colour pallet across the site. .

- *Increase in height (by 5.6 metres), increase in depth (by 4.2 metres) and reduction in width (by 15 m) of west stand. Increase in capacity of west stand and the addition of a camera position (2.6 metres deep and 4 metres high)*

The amendments proposed under phase 1 relating to the west stand have already taken place on site. The proposed amendments have resulted in a noticeably taller and deeper form of development along the western boundary of the site than what was previously approved, albeit that this is somewhat off-set by a reduction in the width of the approved stand. Similar to the east stand, the west stand is visible intermittently from the local highway network. It is generally seen in the context of the football stadium and associated ancillary facilities - an established stadium complex. The new stand, whilst clearly obvious as part of the stadium complex, is not considered to be disproportionately

larger or of a significantly greater scale than the East Stand/Facilities building (which is substantially longer) or the two “stands” at either end of the pitch. The structure will be more visible than the approved stand (for those homes in Aldridge Avenue, this is particularly the case following the recent engineering works to the Jubilee line embankment that removed the previous substantial tree cover from the railway embankment beyond the site boundary. In this context, and having regard to the fall-back position which permits a wider and lower stand, Officers consider that the west stand as built is not an incongruous or disproportionate structure that is unduly harmful to the character and appearance of the area when viewed from public and private viewpoints.

- *Proportionate reduction in capacity of standing areas (north and south stands) to ensure overall capacity does not increase.*

This would not impact on the appearance of development or the character of the area.

- *Increase in height of floodlights from 15.7 metres to 27.8 metres and re-siting of southern floodlights.*

Criterion C of policy DM 48 states that ‘Proposals for floodlighting will be supported where it would enhance sport facilities and would not be detrimental to the character of the open land, the amenity of neighbouring occupiers or harmful to biodiversity’.

When compared to the approved scheme, the increase in the height of the floodlights under the current application is clearly discernible. The floodlights that have been installed are taller than the existing installations that serve the all-weather pitches and given the wider, largely low/medium rise character of the area, they are clearly visible features in the surrounding area.

The floodlights shown on the submitted plans comprise a 22 m high mast and a 5.8 m high headframe. The Design and Access Statement refers to a 25 m high mast and a 3 m high headframe. The floodlights installed at the site measure 25m and 3m (as per the Design and Access Statement). This assessment is therefore made on the basis of the floodlights as installed (and measurements from the Design and Access Statement).

The proposed floodlights are taller than the existing stands on site, and due to their height are clearly visible within the local townscape. The single floodlight columns are nevertheless slender. The most obvious elements of the floodlights are the head frames including the lanterns themselves. During the daytime, and when not in use, the floodlights are an obvious vertical component of the views across the site from both gardens in surrounding homes and the more limited views from public viewpoints. The height of the columns also serves to “identify” the location and presence of the site from properties where views are otherwise much more limited, or hidden by embankments or vegetation. However, in the context of the football stadium and associated ancillary facilities – i.e. the stadium, large car park areas and associated paraphernalia – Officers consider that during the daytime, this impact upon views is not considered to be harmful to the character or appearance of the area.

At nighttime when in use, or during low light conditions, the illuminated head frame (especially against a backdrop of the night sky) will have a more distinctive effect on the character and appearance of the site – introducing a bright, clearly visible light source into the night time panorama. The actual levels of light escaping the site and its impact upon amenity are considered below. Against a backdrop of other site wide lighting, and having regard to the openness of the site which in most cases permits views of the sports ground, the use of high level floodlights is considered to be part of the expected

characteristics of a sports stadium. There is nothing in this case, especially given the planning history and permitted floodlighting scheme for the main stadium, that leads officers to conclude therefore that the proposed floodlights would further change the character of the site from that which would arise from the lower but equally significant main pitch floodlighting previously permitted.

- *Additional turnstiles, spectator circulation, fencing, food kiosks and toilets.*

This application proposes a rationalisation of the existing spectator circulation areas and this is partly to account for site levels changes that were not properly considered as part of the original designs. It is proposed to increase the number of turnstiles to provide for improved spectator flow and safety, which is supported. Additional hard surfacing would be required to enhance the spectator space and improve safety at the stadium. New 2.8 metre high fencing would also be erected around the stadium complex and between home and away sections. There would also be minor amendments to the provision of food kiosks and toilet facilities. Overall, these proposed works would be appropriate and essential to the safe use of the stadium and would not result in any material impact on the character and appearance of the site.

- *Alterations to parking areas.*

The submitted amendment drawings seek to regularise the configuration of car and coach parking facilities to reflect the existing situation on site in terms of parking and internal road layout. The layout is considered to be acceptable.

Phase 2

- *Replace existing north stand with a seated stand (increase in height by 4.4 metres; increase in depth of 3.8 metres and reduction in width by 20.7 metres).*

It is proposed to replace the existing north stand with a different structure, to be a seated stand rather than a standing terrace. The revised stand would be 20.7 metres narrower than the approved stand, but would be 4.4 metres taller and 3.8 m deeper. As with the amendments to the west stand discussed above, this change would result in a noticeably taller form of development at the northern end of the stadium. However, it would be smaller than both the existing east stand and the existing west stand (proposed under Phase 1 of this application). The stand would be of a scale consistent with the scale of the stands (and the stadium) on the site as a whole. The stand “sandwiched” between the larger east and west stands would not be overly visible from public viewpoints outside of the site. On this basis, it is considered that this part of the proposal would therefore have an acceptable appearance.

- *Proportionate reduction in capacity of standing area in southern stand.*

No undue impact on appearance of development or character of the area.

- *Full height extension to rear of west stand (depth between 6.3 metres and 13.9 metres, chamfered to run along jubilee line boundary) to provide indoor spectator space.*

It is proposed to extend the rear of the west stand proposed under Phase 1 of this application to provide indoor spectator circulation space. This extension would have the advantage of providing additional disabled spectator space with lifts.

As discussed above, it is proposed to extend the rear of the west stand proposed under Phase 1 of this application to provide indoor spectator circulation space. This extension would increase the bulk of the west stand and this would be apparent in views from within

the site and from neighbouring properties to the west on Aldridge Avenue. However, the additional bulk would be sited some 30 metres from the rear boundaries of these properties and a further 30 metres from the rear habitable room windows. On this basis, it is considered that the impacts in terms of character and appearance would be acceptable. The extension would also have acknowledged benefits, both in terms of improved disabled facilities and the containment of spectators within the building outside of game time, thereby reducing the potential for noise transmission to neighbouring properties from spectators arriving and departing the stand/ground.

Conclusion

This above appraisal addresses the likely impacts of these amendments in terms of character and appearance of the area. Whilst the proposal would result in an apparent change (e.g. the increased height of the floodlighting and two larger stands), Officers are of the view that in the context of an established football stadium, these impacts would not unduly impact upon the character and appearance of the area.

Residential Amenity

Policy Context

Since the original application was considered in 2008, Policy 7.6B, subsection D, of The London Plan (2011) has been adopted and states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

Furthermore, the Development Management Policies Local Plan has been adopted. Policy DM 1.C of this plan states that; *'All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted'* It requires an assessment of privacy and amenity considerations to have regard to:

- a. the prevailing character of privacy and amenity in the area and the need to make effective use of land;
- b. the overlooking relationship between windows and outdoor spaces;
- c. the distances between facing windows to habitable rooms and kitchens;
- d. the relationship between buildings and site boundaries (applying the Council's 45 degree code where relevant);
- e. the visual impact of development when viewed from within buildings and outdoor spaces (applying the Council's 45 degree code where relevant);
- f. the adequacy of light and outlook within buildings (habitable rooms and kitchens) and outdoor spaces (applying the Council's 45 degree code where relevant);
- g. the adequacy of the internal layout of buildings in relation to the needs of future occupiers and any impact on neighbouring occupiers;
- h. the impact of proposed use and activity upon noise, including hours of operation, vibration, dust, air quality and light pollution; and
- i. the need to provide a satisfactory quantum and form of amenity space for future occupiers of residential development.

Policy DM 48.A of the Development Management Policies Local Plan seeks to enhance outdoor sports facilities provided that there would be no adverse impact on residential amenity (amongst other issues), whilst criterion C of this policy states that 'Proposals for

floodlighting will be supported where it would enhance sport facilities and would not be detrimental to the character of the open land, the amenity of neighbouring occupiers nor harmful to biodiversity’.

Phase 1

- *Internal and external alterations to the approved east stand, including additional row of seats on lower tier, re-cladding/re-painting of external surfaces and external alterations to doors and windows.*

It is considered that these minor changes would not unduly impinge on neighbouring amenity, due to their modest nature and the intervening distances between the building and adjoining residential properties. As discussed, the nature of the use of the building would not change from the consented scheme.

- *Increase in height (by 5.6 metres), depth (by 4.2 metres) and capacity of west stand and the addition of a camera position (2.6 metres deep and 4 metres high). Reduction in width of the west stand (by 15 m)*

It is acknowledged that the west stand, as built, is visible from the rear of residential properties that surround the site, particularly those along Aldridge Avenue. The increase in height and depth has resulted in a taller structure than that which was previously approved. However, the structure is also 15m narrower than the approved stand.

The properties that are potentially the most sensitive to the proposed changes to the west stand are on Aldridge Avenue – especially following recent works to the embankment that have removed substantial trees screens between these properties and the site. The Jubilee Line embankment separates the west stand from the rear gardens of these properties. The height of this embankment changes along the length of the site. Nevertheless, the embankment represents a significant, continuous “structure” in the foreground of views towards the site from Aldridge Avenue which in part offsets the impact arising from the additional height of the new west stand some 35-40 metres from the rear boundaries of these properties and a further 30 metres from the rear habitable room windows.

The new, taller, stand has the potential to create longer shadows during the early morning. Given the distance and overall height of the stand, and relative position of the houses on Aldridge Avenue, the shadows from the new stand are considered unlikely to reach the homes of residents in Aldridge Avenue or have any other appreciable impact upon daylight received in the rear gardens or rooms of the homes in this street.

There are no high windows at the rear of the stand facing west and the proposal does not therefore result in overlooking of the Aldridge Avenue properties.

The consideration of the impacts of the new stand on the distribution of crowd noise from spectators at matches taking place within the ground is considered further below. Overall, officers, advised by the Environmental Protection team have been informed that given the wide range of crowd characteristics depending upon a number of variables, noise levels appreciated by residents surrounding the site will not materially change – give the capacity of the ground does not increase and its fundamental design does not change (i.e. the consented stadium is not an “enclosed” bowl). The increased capacity of the west stand will, potentially place a greater number of spectators (2634 compared to 2368) at the base of the stand at the beginning and end of games played in the stadium. Officers from the Environmental Protection team have not raised any specific concerns in relation to this circumstance and such impacts are in part offset by the raised

embankment between this area and homes in Aldridge Avenue.

Due to the separation distance between this stand and other neighbouring residential properties surrounding the site, there is considered to be no unacceptable overlooking or overbearing impact on these properties from the enlarged stand or the provision of a camera position.

- *Increase in height of floodlights from 15.7 metres to 27.8 metres and re-siting of southern floodlights*

Criterion C of policy DM 48 states that 'Proposals for floodlighting will be supported where it would enhance sport facilities and would not be detrimental to the character of the open land, the amenity of neighbouring occupiers nor harmful to biodiversity'

The proposed floodlight columns would be taller than the existing installations serving the all-weather pitches and appreciably taller than the approved floodlight units serving the main stadium pitch. The Design and Access Statement advises that the lighting is designed to suit current league requirements and the additional height is required to ensure that the lamps are angled downwards as far as possible, as opposed to across the pitch thereby reducing light spillage and glare.

In terms of neighbouring amenity, the impacts of the proposed floodlights are two-fold:

The physical impacts:

The proposed floodlights would be the tallest structures on site, and they would be visible from nearby residential properties. The proposed masts would be tall and slender. Given this slender design, it is the opinion of Officers that the masts in themselves would not give rise to an undue loss of outlook for neighbouring occupiers.

The most obvious elements of the proposed floodlights would be the head frames and there is no doubt that these head frames would be visible from neighbouring properties, particularly those that abut the site. As stated in section 2 of this appraisal, it is considered that these head frames would not look out of place in the context of the football stadium and associated ancillary facilities. For the same reason, it is considered that the proposed head frames would not give rise to an undue loss of outlook for neighbouring occupiers.

Light spill and Glare:

A 'technical lighting report' forms part of the submitted Design and Access Statement. This report has been supplemented by further report into tests of the installed lighting which assigns light levels from the floodlights to measured points across the site (and along/beyond the site boundaries). The representations submitted as part of this application express concerns about floodlighting affecting light levels in bedrooms, and giving rise to disturbance of night time sleep patterns of younger children. Floodlighting at the site is permitted until 2300hrs. Officers accordingly requested information and calculations in relation to vertical luminance.

The applicants have submitted an updated light spill diagram and have conducted detailed post installation measurements of the light spill from the floodlights. The measurement of floodlighting levels took place on the evening of 26th July. The measurements were undertaken by the contractor but were overseen by the Councils Environmental Protection team. Readings were taken at house numbers 32 & 64 Aldridge Avenue and on the mound between the houses on Camrose Avenue and the 3G

pitch and also on the overspill car park behind the gardens of the houses on Camrose Avenue.

The applicants report on the findings from the test has been reviewed by the Councils Environmental Protection team who continue to raise concerns in respect of the impacts that the lights will have. The report quotes measured readings taken at points within and outside of the site – against levels quoted within the Guidance Notes provided by the Institute of Lighting Engineers (ILE). These guidelines are used routinely in the consideration of floodlighting in planning appeals – most recently in APP/M5450/A/13/2190773 at Whitmore High School. The report suggests that light emissions attributable to the floodlights falls within the levels provide for within the guidance for sites of this nature.

Planning permission already exists for floodlights of 15.8m height at the ground. The applicant's submission suggests that the greater height of the floodlights forming part of this application, would serve to reduce light spillage beyond the pitch area when compared with the consented scheme.

The Public Protection team nevertheless remain concerned that the difference in light levels experienced at the rear of properties on Aldridge Avenue between the lights being on, and being off, will be significant. Whilst further tuning of the individual lanterns direction is possible, the overall effect of the floodlights on residential amenity will, in their opinion, and in the absence of agreed controls be significant especially for evening matches/use of the stadium.

In respect of Camrose Avenue, the floodlights on their own are noted to contribute a modest level of additional lighting to existing levels. However, the observed and recorded levels of lighting at the rear of these properties are already such that the additional light emissions would mean that overall light levels experienced at the rear of these properties would exceed the 10 Lux guideline in the ILE guidance.

Whilst the applicants have provided some further information in this regard, the report submitted has not addressed the cumulative effect of the floodlights and the existing site lighting on residential amenity. Accordingly, whilst the applicants post installation report demonstrates that the floodlights on their own do not result in lighting levels above those recommended by the Institute of Lighting Engineers relevant guidelines, the Councils Environmental Protection officers are concerned that the overall levels of lighting received by the surrounding properties exceeds the recommended guidelines in the ILE guidance.

The application does not contain any clear strategy indicating how the levels might be reduced to satisfy the guidelines and observed and reported impacts of the floodlighting on light spill levels at nearby residential properties are considered to have the scope to cause significant disturbance to residents late into the evening. Officers, advised by the Environmental Protection team in the Council are therefore unable to conclude that the proposed floodlights would not give rise to adverse impact upon the amenities of nearby residents – required in order to meet the policy requirements for floodlighting set out in Policies DM1C or DM48A.

- *Additional turnstiles, spectator circulation, fencing, food kiosks and toilets.*

No undue impact on neighbouring amenity, as the stadium capacity would be as approved previously.

- *Alterations to parking areas.*

No undue impact on neighbouring amenity, as the stadium capacity and expected vehicle activity would be as previously approved.

Phase 2

- *Replace existing north stand with a seated stand (increase in height by 4.4 metres; increase in depth of 3.8 metres and reduction in width by 20.7 metres).*

The proposed increase in height and depth would give rise to a taller and more obvious structure than that which was previously approved. However, it would be a sufficient distance from neighbouring properties so as not to have a detrimental effect. It would be visible above the Jubilee Line embankment from the rear of properties on Aldridge Avenue to the west of the site. However, it would be some 50 metres from the rear boundaries of these dwellings and this distance together with the presence of the jubilee embankment would ensure that the revised stand would not be overbearing to the occupiers of these properties.

- *Full height extension to rear of west stand (depth between 6.3 metres and 13.9 metres, chamfered to run along jubilee line boundary) to provide indoor spectator space.*

As discussed above, it is proposed to extend the rear of the west stand proposed under Phase 1 of this application (and as existing on site) to provide indoor spectator circulation space. This extension would increase the bulk of the west stand and this would be most apparent in views from neighbouring properties to the west on Aldridge Avenue. However, the additional bulk, would be sited some 30 metres from the rear boundaries of these properties and a further 30 metres from the rear habitable room windows. On the basis of this, and the presence of the jubilee line embankment, it is therefore considered that the proposed extension to the west stand would not give rise to undue impacts on neighbouring amenity, in terms of loss of light, overshadowing or loss of outlook. This extension would also have acknowledged benefits, both in terms of improved disabled facilities and the containment of spectators within the building outside of game time, thereby contributing to reducing noise transmission to neighbouring properties from spectators using the stand/circulation space at the back of the stand.

High level windows are proposed along this west elevation. It is considered that these could result in actual or perceived overlooking and the leakage of noise from the stand over the embankment towards the Aldridge Avenue properties. A condition to ensure these are obscure glazed and fixed closed would therefore be required in order to safeguard the amenity interests of these residents.

- *Re-configuration of the capacity of the stands – Phase 1 and Phase 2:*

Although this application proposes to re-configure the capacity of the stands, it does not propose to increase the overall capacity of the stadium (5,176). Interested parties have raised concerns that the proposed larger west stand could result in an increase in noise transmission to neighbouring properties.

Although planning application reference P/0002/07 proposed an overall capacity of 5,176, the noise report that was submitted as part of this application was based on a stated capacity (in the report) of 500 people. The applicant believes that this figure was presented in error. A supplementary noise assessment prepared for the applicant by RPS consulting forms part of the Design and Access Statement. It concludes that 'the original

conclusions of the noise report dated December 2006 remain valid'

Notwithstanding this, planning permission was approved in April 2008 with an approved capacity is 5,176. Whilst the overall capacity of the ground is not changed by this proposal, the numbers within each of the stands does change. An additional report was therefore requested to assess what, if any, changes result from the revised layout. A revised Design and Access statement was submitted in early July 2013 which advises that by moving high level spectators (east stand) down to the opposite stand (west stand), it has two effects:

- The noise from the crowd that would go over the lower level roof is now removed and the sound from this crowd is now travelling predominantly in the opposite direction (easterly direction).
- The higher roof of the west stand and the larger number of spectators in this stand acts as a sound absorption capturing more sound from the rest of the ground travelling towards the railway embankment which in itself is a buffer.

The Design and Access Statement further advises that 'The new north stand changing from standing to seating will also act as a sound absorber' and that 'fundamentally, the noise generated from within the ground is the same but the noise that is contained within the ground is increased due to the larger structure capturing the sound within the ground and the additional surface area of seated spectators absorbing crowd noise'.

This application has been referred to the Councils Environmental Health Team who has verbally advised officers that notwithstanding the absence of a technical noise model, these conclusions are broadly consistent with their own assessment of the likely effect of the proposals. The most significant determinant of noise levels for a stadium of this design the capacity of the ground, as opposed to the detailed design of each stand. A formal, written response, from the Environmental health team is nevertheless awaited.

Flood Risk and Drainage

Policy DM 9 of the Development Management Policies Local Plan requires the design and layout of development proposals to contribute to flood risk management and reduction.

The part of the site adjacent to the Brook is in Flood Zone 3a/3b (including an Environment Agency flood defence bund), whilst the northernmost part of the stadium is within Flood Zone 2. This application proposes additional footprint and hard surfacing on site and to this end, revised drainage calculations and drawings have been submitted as part of the application documents.

The application has been referred to the Environment Agency who has advised that they are satisfied with the proposed variation of condition and raise no objections to the proposal.

On this basis, it is considered that the proposed amendments would not increase the risk of flooding on the site or elsewhere and would accord with the NPPF and the Local Development Plan.

Traffic and Parking

The NPPF sets out the overarching planning policies on the delivery of sustainable development through the planning system. It emphasises the importance of reducing the

need to travel, and encouraging public transport provision to secure new sustainable patterns of transport use.

The London Plan (2011) Policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel, reduce trip lengths and encourage use of other, more sustainable means of travel. The Parking Addendum to Chapter 6 of The London Plan (2011) sets out maximum parking standards for new development dependant upon their use and level of public transport accessibility. During its earlier determination, the car parking levels on the site were deliberately reduced from 600 spaces to 300 spaces following representations from the GLA.

As the stadium capacity is to remain unaltered, the Council's Highways Authority raises no objections to the proposal. Secure cycle spaces are provided for 100 cycles and this is considered to be appropriate. The existing parking and access road layout is considered acceptable and the proposal would therefore be acceptable in this regard. A number of objections to the proposals, related to the proposed use for first team football, have nevertheless raised concerns with regard to car parking and the impacts of match day parking on streets surrounding the site. The applicant has recognised the need for match day parking management plans and has held discussions with the Highway Authority in connection with the signage and management of traffic. The current S106 agreement provides for a contribution to be made to a CPZ scheme if required. The effective management of traffic and visitors is not, directly, a matter that is associated with the current proposals for floodlighting and stands. The applicant has stated publically, a commitment to address residents concerns but, to date, no formal approach has been made to the LPA to address this by way of any changes to the S106 agreement, or the terms of the previous permission.

Biodiversity

The Jubilee Line embankment is a site of local importance for nature conservation. The Council's Biodiversity Officer has advised that bat interest is unlikely to be significant following the extensive works to the embankment by Tubelines. However, bird boxes could be erected in suitable locations on the new stands and a condition could be imposed requiring details to be submitted and approved prior to occupation of the development, in order to comply with policy DM 21 of The Development Management Policies Local Plan.

Accessibility

The proposed amendments would result in an improved environment for disabled persons, including more ramps to account for site levels changes and designated viewing areas. The proposal would therefore be an improvement in terms of providing an accessible and inclusive environment.

S17 Crime & Disorder Act

The proposed amendments would bring the stadium up to modern standards in terms of security. Consideration has been given to the division of home and away fans, with away fans positioned to the north of the stadium close to the exit with Whitchurch Lane and Canons Park Station. The proposal would therefore achieve the aims of policy DM 1.g of The Development Management Policies Local Plan.

Concerns have been raised that the use of the stadium could increase criminal activity and litter. These matters are best resolved through effective stewardship and policing, rather than through planning controls. The proposals do not suggest that purely as a

result of the amendments proposed, such activities will increase.

Equalities and Human Rights

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

Consultation Responses

Concerns relating to the appropriateness of football grounds on this site; noise and disturbance; light spill; the use of the stadium for first team matches; criminal behaviour; litter; overbearing impacts; character and appearance of the area; traffic impacts and privacy have been addressed within the above appraisal

- Concerns in relation to lack of consultation on previous proposals - Council records confirm that previous consultations took place in line with legislative requirements. Notwithstanding this and in response to these representations, during the application, a substantial increase in number of properties consulted has taken place
- Concerns in relation to effect on property values - This is not a material planning consideration
- Compensation for local residents - This is not a material planning consideration

CONCLUSION

This planning application, together with recent activities at the site, has prompted considerable local interest and representations have been made against the proposals and the use of the ground for first team football by Barnet FC. The use of the ground for first team football with up to 5176 spectators is nevertheless lawful in planning terms. This application does not propose to increase the number of spectators within the stadium. The design and access statement submitted in support the application claims that the proposed amendments would improve accessibility, would not increase the overall capacity of the football stadium, would be appropriate in terms of their visual appearance, would not have a detrimental impact on the character of the area and would not give rise to undue highways safety or other concerns.

Officers agree, on balance, with this assessment subject to specific provisions and conditions that would be required (as set out above). Officers also consider that the scope of the amendments being sought can properly be considered within the provisions set out by the government under S73 of the Town and Country Planning Act for material minor amendments. In respect of the majority of the works contained in this application officers consider the proposals are acceptable having regard to the development plan and all other material considerations.

However, in the absence of a clear strategy or evidence that demonstrates that the

overall cumulative impact of the new higher floodlights and site lighting on residential amenity can be made acceptable, officers do not consider that the floodlights satisfy the requirements of policy DM1C and DM48A. Given that the representations suggest that glare from existing lighting is already giving rise to disturbance of sleep patterns in properties surrounding the site, this requirement is important in the context of the current application. Given the clear policy requirement for floodlights to not have an unacceptable impact upon the amenity of residents, the current application is not able to demonstrate that it satisfies the requirements of the development plan for the area. There are considered to be no material planning reasons to justify setting aside this policy objective in this case.

The application is therefore recommended for refusal.

INFORMATIVES

1 The following policies are relevant to this decision:

National Planning Policy Statements / Guidance:

National Planning Policy Framework (2012)

The London Plan (2011):

3.19

7.4 – Local Character

7.6 – Architecture

The Harrow Core Strategy (2012)

Core Policy CS 1 – Overarching Policy

Core Policy CS 9 – Kingsbury and Queensbury

Development Management Policies Local Plan (2013)

DM1 Achieving a High Standard of Development

DM2 Achieving Lifetime Neighbourhoods

DM9 Managing Flood Risk

DM10 On Ste Water Management and Surface Water Attenuation

DM18 Protection of Open Space

DM20 Protection of Biodiversity and Access to Nature

DM21 Enhancement of Biodiversity and Access to Nature

DM42 Parking Standards

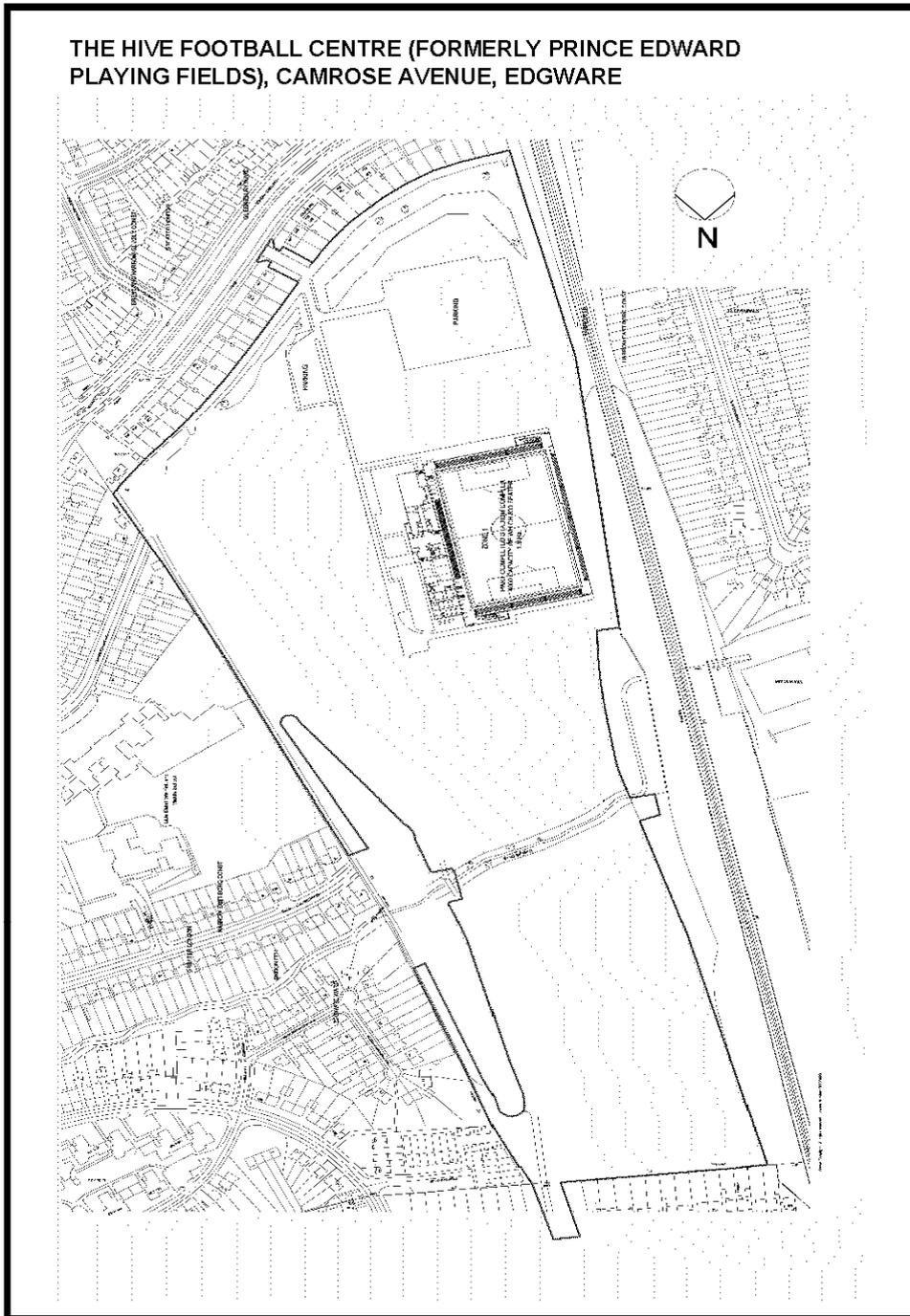
DM48 New Community, Sport and Educational Facilities

Supplementary Planning Document: Access For All (2006)

2 DUTY TO BE POSITIVE AND PROACTIVE

Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended). The applicant has been advised of the Council and Development Plan policy requirements for the determination of the application through meetings with senior officers and correspondence. The application was deferred to enable the submission of material to support the application and re-consultation was undertaken to ensure that local residents were kept informed. The applicant was provided with specific advice by the Environmental Protection team officers and Planning officer at a meeting on site with their lighting consultants.

Plan Nos: 380/PL(0)100 Rev E; 102 Rev B; 110 Rev B; 111 Rev E; 1001; 380/PL(1)100 Rev B; 111 Rev B; 120 Rev B; Design and Access Statement Revision C; Drainage Plan 100 Rev D; Drainage Plan 101 Rev E; Drainage Plan 102 Rev A; Micro Drainage Calculations.



Item No. 1/02
Address: 158-160 HIGH STREET, WEALDSTONE HARROW
Reference: P/0435/13

Description: REDEVELOPMENT OF THE SITE TO PROVIDE A THREE STOREY BUILDING CONTAINING 12 FLATS WITH BALCONIES AT THE FRONT AND REAR; BIN STORAGE; LANDSCAPING; 1.5M HIGH RAILINGS ALONG ROAD BOUNDARIES AND 1.8M HIGH FENCING ALONG SIDE AND REAR BOUNDARIES; PARKING AT REAR

Ward: WEALDSTONE

Applicant: MR E GADSDEN

Agent: PRESTON BENNETT PLANNING

Case Officer: SARAH MACAVOY

Expiry Date: 29/07/2013

RECOMMENDATION A

GRANT permission subject to conditions and the completion of a s.106 Agreement by 27th September 2013. Delegated Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the sealing of the Section 106 legal agreement by 27th September 2013 and issue of the planning permission and to agree any minor amendments to the conditions or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:

1. Affordable Housing

a. The developer to submit to the Council's Housing Enabling Team for its approval an updated financial viability appraisal (i.e. the most up to date development costs and anticipated sales value of the residential units) prior to occupation of 80% of the residential units hereby permitted;

b. If required, the developer to pay for the Council to have an independent review of the viability assumptions made in the financial appraisal submitted by the developer;

c. In the event that the viability appraisal submitted by the developer (or the Council's independent review of the appraisal) shows a surplus residual land value, the developer to pay 50% of the surplus value to the Council as a contribution towards the provision of affordable housing in the borough.

2. Legal Fees

Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

3. Planning Administration Fee

Payment of an administration fee for the monitoring of and compliance with this agreement.

RECOMMENDATION B

That if a Section 106 Agreement is not completed by the 27 September 2013 then it is recommended to delegate the decision to **REFUSE** planning permission to the Divisional Director of Planning on the grounds that:

The proposed development, in the absence of any mechanism for the assessment of the viability of the proposal to provide affordable housing, would fail to adequately mitigate the impact of the development, contrary to policies 3.11, 3.12 and 3.13 of The London plan (2011), DM24 of the Harrow Development Management Policies Development Plan Document (2013) and core policy CS 1(J) of the Harrow Core Strategy (2012).

INFORMATION

The application is reported to the Planning Committee as the development is for the provision of 12 dwellings and is outside the scope of category 1(b) of the Scheme of Delegation dated 29th May 2013.

Statutory Return Type: Smallscale major dwellings

Council Interest: None

Net additional Floorspace: 464 sq. m.

GLA Community Infrastructure Levy (CIL) Contribution (provisional): £ 16,240

Harrow CIL: £51,040

Site Description

- The application site comprises a two storey semi detached building in an A2 use on a corner site on the north eastern side of High Street at the junction with Claremont Road.
- The site is currently partly in A2 use and partly vacant.
- The area is characterised by a variety of development types: to the north is a single storey Scout hut. To the east is a semi detached pair of dwellinghouses. Across High Street are two storey terraced dwellinghouses.
- The site is in the 3B (previously developed) flood zone in Harrow's Strategic Flood Risk Assessment.

Proposal Details

- The application proposes the redevelopment of the site to provide twelve flats in one building that would have the appearance of two linked blocks, with 12 car parking spaces, landscaping, a cycle store and a refuse store.
- The main building would be towards the front of the site and would comprise of two-three-storey elements. Each of these elements would be a maximum of 11m wide and 14m deep, and would be 8.1m high to the eaves and 11.4m to the ridge. The element to the north would be set back in the streetscene 5.8m from the southern section.
- Balconies would be positioned on the front elevation facing High Street. There would also be rear balconies on the part of the building closest to Claremont Road.
- The central section of the building would provide a link between the two full-height elements and would provide the main access to the flats. This section would be 2.4m wide and would have a depth of 8m. The link section would have a subservient roof.
- Each of the main elements would provide two two-bedroom flats on each level.
- One of the ground floor flats would comply with Wheelchair Home standards.
- At the rear of the site, 12 parking spaces, including one disabled space, would be

provided. A new vehicle access off Claremont Road is proposed to provide access to these carparking spaces.

- An electric charging point is also proposed to the rear of the site.
- One of the existing vehicular accesses from Claremont Road would be blocked up, the other would be widened to provide access to the site.
- A 1.8m high fence is proposed along the side and rear boundaries of the site.
- 1.5m high railings are proposed along the road boundaries with High Street and Claremont Road.

Revisions to Previous Application

- N/A

Relevant History

- N/A

Pre-Application Discussion (Ref. HA\2012\ENQ\00271)

- As presented, the scheme would not be acceptable or supported for reasons set out in this report but could be supported subject to the amendments detailed in this report. As discussed above, detailed marketing information would be required as would demonstration of compliance with Harrow Unitary Development Plan Policy EM15. A robust viability report, a sustainability appraisal and the drainage information discussed above would also be required. The proposal would need to comply with Lifetime Homes criteria and one wheelchair home would be required. Also as discussed above, it is recommended that the rear balconies are removed from the proposal. As well as this, the bin store and the carparking spaces immediately adjacent to number 4 Claremont Road should be moved away from the boundary with number 4 Claremont Road. The carparking spaces adjacent to flat number 3 should be further set away from the building and carparking spaces 6 and 7 should be removed from the proposal. In addition, the flats should comply in terms of room sizes and overall GFA in accordance with the Housing Supplementary Planning Guidance (November 2012).

Applicant Submission Documents

- See Design and Access Statement

Consultations

Housing Enabling: This is a small site which only just crosses the affordable housing policy threshold. The site is also located within the lowest residential value threshold within the borough according to the GVA Housing Delivery report. The same report states that within this value area, the economic viability of proposals tested was challenged even where no affordable housing was included within the appraisals run by GVA.

The appraisal submitted with a 100% private scheme demonstrates a considerable deficit against the EUV figure. It is claimed that the applicant is willing to proceed on the basis of a reduced return and using company cash flow to limit exposure to finance costs.

The inclusion of affordable housing worsens the viability position (regardless of what tenure is tested). No grant funding would be made available on a Section 106 site such as this and even if it was, the current rate of grant per unit would not be sufficient to maintain any reasonable level of scheme viability.

On the basis of the viability assessment submitted together with the supporting third party evidence, it is considered that no affordable housing contribution can be made by this proposal whilst maintaining a deliverable scheme.

It is recommended that a review clause be included within the legal agreement to ensure that scheme viability can be tested closer to the completion the proposed development. Any improvement in scheme viability should enable and affordable housing payment to be made to the Council in lieu of on site provision.

Based on the acceptance of other applicants of the terms of Harrow review clause and the need for consistency, it is considered reasonable to require the standard Harrow review clause in this instance.

Highways Authority:

Car Parking

The number of on-site parking spaces proposed equates to 12 which includes for 1 disabled & 1 electric vehicle charging (ECV) compliant space and is at the top end of the London Plan 2011 and Council UDP maximum parking standards. Irrespective of the reasonable public transport accessibility and although the site is surrounded by extensive on-street parking controls, the higher on-site parking provision is welcomed as it reduces potential detrimental overspill onto the highway.

Cycle Parking

For the C3 residential use there should be a provision of 1 secure space for each residential unit equating to at least 12 pedal cycle spaces which is in line with Council and London Plan standards. The 12 secure spaces which are proposed are therefore acceptable.

Traffic Generation

It is accepted that the level of traffic activity associated with the previous A2 would be comparable to the predicted residential car movements resulting from the proposal which are expected to amount to substantially less than 5 vehicles entering/leaving the site at both morning and evening peak traffic periods. The physical on-site quantum of provision aids this low level of traffic generation.

This figure is thus considered de-minimis in measurable highway impact terms as compared to overall traffic flows in the area and therefore the proposal is acceptable in this respect.

Access Arrangements

There are 2 access points into the site from the lesser trafficked Claremont Road. The most northern access is to remain with adjustment in positioning and width and is within the Council's recommended width of 3.6m. The remaining access point will be closed and made good as reinstated footway with raising of the kerb. As highlighted above, the residential use will result in moderate traffic movements throughout the day hence the relocated access is considered acceptable on highway grounds.

Refuse and Servicing Arrangements

The refuse storage area is provided close to the site boundary with Claremont Road and would therefore be satisfactorily serviced from this road without envisaged detriment to traffic movement or road safety.

Construction Logistics Plan (CLP)

A full CLP will be a requirement to be secured under a planning condition given the 'traffic sensitive' location of the site.

It is therefore concluded that the principle of development is acceptable and that the design put forward by the applicant is satisfactory in operational terms and does not measurably affect road capacity or prejudice vehicular/pedestrian safety in the vicinity.

Vehicle Crossings Officer: No objection

Drainage Engineer: "I can confirm that both tests (FRA and Sequential & Exceptions Test) are satisfactory"

Advertisement

Major Development
Expiry: 6-June-2013

Site Notice

Expiry: 6-June-2013

Notifications

First notification:

Sent: 50
Replies: 2
Expiry: 30-May-2013

Second notification (following submission of revised FRA and sequential test):

Sent: 50
Replies: To be reported
Expiry: 13-August-2013

Notification of two objectors:

Sent: 2
Replies: 0
Expiry: 28-August-2013

Summary of Responses

- A former resident of 160 High Street states that it would be wrong to demolish these well built houses and substantially destroy the garden which constitutes a valuable visual and environmental amenity.
- Number 160 has stood for several decades as an attractive, solidly built house with well maintained gardens at the front and back thereby providing a valuable visual benefit to neighbours and passers by.
- The house can and should revert back to its former standing and condition once the uncertainty over this application has been removed. It is important the present neglected and overgrown condition into which the house has fallen does not affect the planning authority's decision on the current application.
- There are many trees and mature shrubs which have ecological value and provide a habitat for birds and small animals, it would be a great shame to lose this rare habitat considering the high density of building in the vicinity. As the loss of this resource will

be irreversible, an independent environmental assessment should be undertaken.

- Surface drainage in the immediate locality is poor. Heavy downpours can lead to the High Street immediately in front of 158-160 becoming inundated in a surface stream. The rear garden of 160 acts as a vital sponge for heavy rainfall – paving over the garden may prove to be unwise considering the prevalence of extreme weather.
- The application should be refused. Instead, the possibility of converting the houses into flats should be explored. An application for conversion into flats was made in 2011. Conversion into flats would preserve the appearance of the houses and gardens which are of inestimable visual and environmental benefit.
- The site has, for decades been a point of reference in Wealdstone. It is one of the few attractive sights along the ever changing High Street and has been admired by neighbours throughout the years. Is it never the case to preserve something beautiful from a previous area, even if it thwarts the thirst for easy profit typical of the current property market with disregard for the wellbeing of potential occupants.

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

Principle of the Development
Character and Appearance of the Area
Residential Amenity
Housing Provision and Accessibility
Traffic and Parking
Sustainability Considerations
Affordable Housing
Equalities Statement
Drainage
S17 Crime & Disorder Act
Consultation Responses

Principle of the Development

The Harrow Core Strategy sets out the strategic vision for the development of the borough.

Part of this strategic vision is the provision of an additional 6,050 homes between 2009 and 2026.

The proposed redevelopment would provide 12 two-bedroom flats, which represents a residential density of 120 dwellings per hectare. This is within the range recommended in table 3.2 attached to policy 3.4 of The London Plan (2011).

The proposal would provide 12 car parking spaces. This is consistent with the guidance in policy 6.13 of The London Plan. This aspect of the proposal is addressed in greater detail in section 5 of this appraisal.

The principle of the loss of the building which was partly in A2 use and partly vacant in A2 use is considered to be acceptable as it is in line with planning policy to create new homes.

Therefore, it is considered that, subject to suitable conditions, the principle of the proposed development would assist in the delivery of new housing in the borough in accordance with policy 3.4 of the London Plan (2011) and policy CS1.H of the Harrow Core Strategy (2012) and is considered acceptable.

Character and Appearance of the Area

Policy CS1.B of the Harrow Core Strategy (2012), policies 7.4 and 7.6 of The London Plan (2011) and Policy DM1 of the Development Management Policies Local Plan requires that new development should have a high standard of design and layout and should complement the context in which it is located.

The application site is an area in which no one architectural style prevails.

The surrounding environment is very varied with a mix of semi-detached, detached houses, and detached housing blocks. There is a detached single storey scout hut adjacent to the site to the north west.

The building lines of the proposal due to sufficient set back from the road in this area with varied building lines would not result in an unduly prominent feature in this location.

The building design consists of two rectangular aspects joined centrally. The northern aspect is set further forward in the streetscene. The central linking feature would be a subservient feature compared to the two full-height sections. This would serve to break up the overall bulk of the building, and the angling of the two sections would further mitigate the appearance of bulk and addresses the pattern of development in the area.

The scale of the building is in keeping with the mixed character of the streetscape.

Details as stated on the plans in the application form, but no samples, of the proposed materials for the development have been supplied, although the application form states that the walls would be facing brickwork which would be rendered and would have stone bands with tiling on the roof. It is therefore recommended that this be addressed by way of a suitable condition to ensure that the materials used on all external surfaces respect those of adjacent properties and would be appropriate in this location.

The submitted drawings show some indicative landscaping and boundary treatments. Policy 5.10 of The London Plan requires new developments to enhance forecourt greenery and streetside greenness. Therefore, suitable landscaping conditions for the whole of the site are recommended.

The proposed 1.8m high fencing along the side and rear boundaries and the 1.5m high railings along the road frontages would not be unduly obtrusive and would be in keeping with the mixed character of the area.

A refuse area is shown adjacent to Claremont Road. Details have been provided which show a timber enclosure which would hold 3x 1100 litre wheelie bins. This is considered to be acceptable.

Residential Amenity

Policy 7.6 of The London Plan requires that new development provide adequate amenity space and that the amenities of neighbouring occupiers are safeguarded.

The site is a corner site bordering High Street and Claremont Road. It adjoins a single storey scout hut to the north east. The only residential property adjoining the site is number 4 Claremont Road. The proposed new building would be sited a minimum of 14m to the boundary with this neighbouring residential site. This separation distance is considered to be adequate to safeguard the visual amenities of neighbouring occupiers and would ensure that there would be no unacceptable overlooking as a result of the rear balconies proposed and there would also ensure that there would be no undue loss of light or outlook at this adjacent site.

The building lines of the proposed building are similar to those of the existing two storey building on the site. However, the north west corner of the proposed building would project 2m further forward from the existing situation. On this side (the eastern side) of High Street there is a very varied building line with some properties set further forward into the streetscene than the proposal and others further back. In terms of the building line on Claremont Road, the front part of the proposal is set 21m away from 4 Claremont Road and it is set slightly further forward (approximately 2m) of the front wall of number 4 Claremont Road. Therefore, due to the site circumstances including the separation distance from number 4 Claremont Road and the fact that the proposal has been pulled back from the road frontage with Claremont Road from the existing building line, it is considered that the proposal in terms of its building line would not have an overbearing impact with respect to neighbouring properties.

The proposed parking area would be close to the garden of number 4 Claremont Road. However, it is considered that suitable landscaping, such as fences and shrub planting, would be sufficient to safeguard the residential amenities of this adjoining property.

With respect to the amenities of the future occupiers of the proposed flats, a communal garden area is proposed which is considered acceptable. No details of safeguarding for the privacy of the occupiers of the ground floor flats are shown on the submitted drawings. However, measures for ensuring that the ground floor flats are not overlooked from the garden area can be secured through the landscaping condition.

The development would ensure that similar habitable rooms are stacked vertically between the flats and so this aspect of the development is acceptable.

In assessing the GIA and room sizes of the proposed units, the proposal as shown on the plans would comply with the Housing SPG and the SPD: A Residential Design Guide in terms of its layout. Each of the flats would have a minimum floor area of 62 square metres, which complies with the requirements of policy 3.5 of The London Plan for a 3

person 2 bedroom flat. In terms of individual room sizes, the kitchen/living/dining rooms and the bedroom sizes of each of the proposed flats would be acceptable. The proposal would therefore sufficiently comply with the Residential Design Guide SPD, policy 3.5 of The London Plan 2011, the Housing SPG (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013). Therefore, the proposal would provide a suitable layout for future occupiers of the flats.

Housing Provision and Accessibility

Policy 3.8 of The London Plan, policy CS1.I of the Harrow Core Strategy and policy DM24 of the Harrow Development Management Policies Development Plan Document (2013) require that a suitable mix of dwelling sizes be provided in new developments.

It is noted that this proposal would only provide two-bedroom flats. However, it is noted that in the London Borough of Harrow, as described in the most recent Housing Needs Survey, there is a significant need for two-bedroom properties, and therefore this provision is considered acceptable.

Policies 3.5 and 7.2 of The London Plan, policy CS1.K of the Harrow Core Strategy require that all new dwellings should comply with the Lifetime Homes criteria. Furthermore, these development plan policies, as amplified by Supplementary Planning Document: Accessible Homes (2010), require that 10% of all new housing comply with Wheelchair Home standards.

The submitted drawings indicate that the proposal would be in accordance with these standards.

Traffic and Parking

The proposal makes provision for 12 parking spaces, one electric vehicle charging point and secure storage for 12 bicycles.

In terms of parking provision, table 6.2 attached to policy 6.13 of The London Plan recommends that for two-bedroom flats, less than one space per dwelling be provided.

Since The London Plan was adopted, the Mayor has amplified housing policies with Housing: Supplementary Planning Guidance (2012). This recommends that for suburban development of two-bedroom properties in an area with a PTAL rating of 3-4 (the site has a PTAL of 4), then up to 1.5 car parking spaces per dwelling can be provided. These are maximum parking standards.

Given the proximity of Harrow and Wealdstone Stations and bus routes, a provision of 12 parking spaces, which is less than the maximum of 18 that could be provided in accordance with London Plan standards, is considered appropriate.

The number of on-site parking spaces proposed equates to 12 which includes 1 disabled and 1 electric vehicle charging (ECV) compliant space and is at the top end of the London Plan 2011 and Council UDP maximum parking standards. Irrespective of the reasonable public transport accessibility and although the site is surrounded by extensive on-street parking controls, the higher on-site parking provision is welcomed as it reduces potential detrimental overspill onto the highway.

It is accepted that the level of traffic activity associated with the previous A2 would be comparable to the predicted residential car movements resulting from the proposal which

are expected to amount to substantially less than 5 vehicles entering/leaving the site at both morning and evening peak traffic periods. The physical on-site quantum of provision aids this low level of traffic generation. This figure is thus considered de-minimis in measurable highway impact terms as compared to overall traffic flows in the area and therefore the proposal is acceptable in this respect.

There are 2 access points into the site from the lesser trafficked Claremont Road. The northern access is to remain with adjustments in its positioning and width and is within the Council's recommended width of 3.6m. The remaining access point will be closed and made good as reinstated footway with raising of the kerb. It is considered that the residential use will result in moderate traffic movements throughout the day hence the relocated access is considered acceptable on highway grounds.

The refuse storage area is provided close to the site boundary with Claremont Road and would therefore be satisfactorily serviced from this road without envisaged detriment to traffic movement or road safety.

Notwithstanding the above, construction traffic could have a detrimental impact on the amenity and safety of the area, and therefore a condition requiring a full construction logistics plan to be submitted to, and approved, by the local planning authority has been recommended on this application

The proposal includes the provision of secure storage for 12 bicycles, which is in accordance with policy 6.9 of The London Plan. A condition has been recommended on this application requiring details of the secure cycle store.

Sustainability Considerations

The applicants have submitted a sustainability statement that demonstrates that the proposal would comply with Level 4 of the Code for Sustainable Homes, as required by policies 5.2 and 5.3 of The London Plan and DM12 of the Harrow Development Management Policies Local Plan (2013). A condition has been recommended on this application requiring a post development certificate confirming compliance with Level 4 of the Code for Sustainable Homes.

Affordable Housing

The applicants have submitted a housing viability study which has been reviewed by the Council housing enabling department. This report concludes that the provision of affordable housing is not viable on this site.

Notwithstanding this, policy CS1.J of the Harrow Core Strategy and DM24 of the Harrow Development Management Policies Local Plan (2013) requires the maximum reasonable provision of affordable housing.

Therefore, a requirement for the applicant to enter into a legal agreement to allow for the reappraisal of the viability prior to the occupation of 80% of the units on the site is recommended, with the provision that 50% of the surplus residual value above the agreed land value benchmark be paid to the Council as a contribution towards the provision of affordable housing in the borough.

Drainage

The site is in the 3B (previously developed) flood zone in Harrow's Strategic Flood Risk Assessment.

A Sequential Test has been carried out by the Applicant and submitted to the Local Planning Authority for consideration. In accordance with Core Policy CS1 (V), this has been carried out across the Borough, but excludes the Harrow and Wealdstone Intensification Area. This examines alternative brownfield sites which are comparable to the application site, in terms of their potential capacity for development, their suitability for a mixed use development and their public transport provision. Further to this site, the sites which have been considered are located in areas which have a lower risk of flooding than the application site and which are identified within the Harrow Annual Monitoring Report 2011 – 2012 and the Site Allocations DPD 2013. Following consideration of five potential alternative sites, the Sequential Test concludes that there are no reasonably available sites within the above-mentioned identified parameters and the search area. Having considered the information contained within the Sequential Test, this conclusion is deemed by Officers to be acceptable.

Given the conclusion of the Sequential Test, the applicant has carried out an Exception Test, which has been submitted for consideration to the Local Planning Authority. It is considered that the proposal meets the Exception test as it provides wider sustainability benefits and it will be safe, without increasing flood risk elsewhere and wherever possible will reduce the flood risk overall.

Following an initial objection from the Council's Drainage Engineer, a revised Flood Risk Assessment was submitted to the Council for consideration. This revised FRA provides robust technical information to demonstrate that the proposed development would not expose future residents to an unacceptable risk of flooding and that the site has the capacity to incorporate sustainable measures for the reduction of flood risk. The Council's Drainage Engineer is satisfied that the proposal would not unduly impact on flood risk. On the basis of the revised FRA and the Sequential and the Exception Test being passed, the proposal is considered to be acceptable.

In order to ensure that the proposal does not result in surface water run-off, conditions requiring details of surface water drainage, storage and attenuation are recommended.

A condition dealing with disposal of sewage has also been recommended on this application.

Equalities Statement

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. The equality impacts of the proposal could have an impact on the ability of persons with mobility impairments to use the premises. However, the proposal complies with the relevant planning requirements with regards to lifetime homes, which ensures that homes are readily adaptable to cope with

people's changing needs.

On balance, it is considered that the proposal would have no impact with regard to section 149 of the Equalities Act 2010.

S17 Crime & Disorder Act

In order to ensure that the proposal does not present opportunities for crime and disorder, a condition requiring details of compliance with the requirements of Secured by Design is recommended.

Consultation Responses

- The trees and shrubs in the garden are not protected and could be removed without any sort of permission.
- Landscaping is proposed as part of the proposal.
- The demolition of buildings unless they are listed buildings does not require planning permission. These buildings are not listed. The proposed buildings will meet Level 4 compliance in terms of sustainability.
- The fact that the building is not currently well maintained has not affected the LPA's decision of this application.
- Drainage has been assessed in this report. The Council's Drainage Engineer is satisfied with the new drainage information which was provided during the course of this application.
- The application has been assessed on its merits.
- The profit made by the developer is not a material planning concern and does not influence planning decisions.

CONCLUSION

The proposal would provide an additional 12 dwellings in a building that would not be out of character with the pattern of development in the locality. The redevelopment of the site would allow for improvements to the landscaping at the site and would not have significant impacts on the residential amenities of neighbouring occupiers or on traffic and highway safety in the vicinity.

CONDITIONS

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Financial Viability Appraisal – February 2013; Planning, Design and Access Statement – February 2013; Sustainability Statement 2013; Site Plan; 12/3284/1; 12/3284/2; 12/3284/3; 12/3284/4; 12/3284/5; 12/3284/6; 12/3284/7 Rev A; 12/3284/8; Flood Risk Assessment – July 2013; Dimensioned details of the vehicle crossover; Sequential & Exceptions Test in Support of Flood Risk Assessment – July 2013

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

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

authority:

a: the building

b: the ground surfacing

c: the boundary treatment

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

REASON: To protect the amenities of the neighbours with regard to overlooking in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4 No demolition or site works in connection with the development hereby permitted shall commence before the boundary of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety, as required by DM1 of the Harrow Development Management Policies Local Plan (2013).

5 Notwithstanding the details on the submitted drawings, the development hereby permitted shall not be occupied 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.

Hard Landscape works shall include details of ground surfacing and car parking.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, as required by policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, as required by policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (2013).

7 Notwithstanding the submitted details, before the first occupation of the flats hereby permitted, metric scaled elevations of the cycle store shall be submitted to and approved in writing by the Local Planning Authority, the details thus approved, shall be implemented on the site prior to the residential flats being first occupied and retained thereafter.

REASON: To ensure the delivery of a sustainable development which seeks to minimise travel by private car in accordance with policy 6.9 of the London Plan and to safeguard the appearance of the locality in accordance policy DM1 of the Harrow Development Management Policies Local Plan (2013).

8 The existing access on Claremont Road shall be closed when the access from Claremont Road to be amended hereby permitted is brought into use, and the highway shall be reinstated in accordance with details to be submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the reinstatement works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway, as required by policies DM1, DM42 and DM43 of the Harrow Development Management Policies Local Plan (2013).

9 No development shall take place, including any works of demolition, until a Construction Method, phasing plan and Logistics Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i a detailed timeline for the phases and implementation of the development
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- v. storage of plant and materials used in constructing the development
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the adjoining properties, in accordance with policy DM1 and DM43 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To ensure that the parking provision is available for use by the occupants of the site and in accordance with the Council's parking standards, in accordance with saved policy DM1 and DM42 of the Harrow Development Management Policies Local Plan (2013).

11 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water and surface water storage / attenuation works 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, as required by policy DM1 and DM9 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To ensure that adequate drainage facilities are provided, as required by policy DM1 and DM9 of the Harrow Development Management Policies Local Plan (2013).

13 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 saved DM1 of the Harrow Development Management Policies Local Plan (2013), and Section 17 of the Crime & Disorder Act 1998.

14 Occupation of the building hereby permitted, shall not commence until the applicant has demonstrated that the development will achieve the appropriate level to meet Level 4 of the Code for Sustainable Homes. To this end, the applicant is required to provide certification and other details to be submitted to, and approved in writing, by the Local Planning Authority.

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

REASON: To ensure the delivery of a sustainable development in accordance with policy 5.2 of The London Plan (2011) and policies DM1 and DM12 of the Harrow Development Management Policies Local Plan (2013).

15 The development hereby permitted shall provide an integrated system for all of the units for satellite TV and broadband facilities. The development shall not be occupied until details of external equipment required for this purpose is submitted and approved in writing by the local planning authority. The equipment shall be installed as approved and thereafter retained.

REASON: To safeguard the appearance of the building, in accordance with policies 7.4.B and 7.5.B/C of The London Plan 2011 and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

16 Other than those shown on the approved drawings, no soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the building hereby approved.

REASON: To safeguard the appearance of the building, in accordance with policies 7.4.B and 7.5.B/C of The London Plan 2011 and DM1 of the Harrow Development Management Policies Local Plan (2013).

17 Notwithstanding the details on the approved drawings, the development hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority detailed sections at metric scale 1:20 through all external reveals of the windows and doors on each of the elevations. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure a high quality finish to the external elevations in accordance with policy 7.6B of the London Plan (2011) and saved policy DM1 of the Harrow Development

Management Policies Local Plan (2013).

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

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 in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

19 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (dated July 2013). In particular, finished floor levels in the residential units must be set no lower than 0.3m above adjacent ground levels.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk in accordance with the NPPF, London Plan policy 5.13 and the Development Management Planning Policies Local Plan (2013) policy DM 9.

INFORMATIVES

1 The following policies are relevant to this decision:-

National Planning Policy Framework (2012)

The London Plan (2011)

3.3 – Increasing housing supply

3.4 – Optimising housing potential

3.5B/C – Quality and design of housing developments

3.8B – Housing Choice

3.10 – Definition of affordable housing

3.11 – Affordable housing targets

3.12 – Negotiating affordable housing on individual private residential and mixed use schemes

3.13 – Affordable housing thresholds

5.2 – Minimising carbon dioxide emissions

5.3B – Sustainable design and construction

5.10 – Urban greening

5.13 – Sustainable drainage

5.21 – Contaminated land

7.2C – An inclusive environment

7.3B – Designing out crime

7.4B – Local Character

7.6B – Architecture

6.9B – Cycling

6.13C/D – Parking

Housing: Supplementary Planning Guide (2012)

Harrow Core Strategy (2012)

Core Policies CS1(A, B, I, J, K, S, R)
Core Policy CS5

Harrow Development Management Policies Local Plan (2013)

DM1 – Achieving a High Standard of Design and Layout

DM2 – Achieving Lifetime Neighbourhoods

DM9 – Managing Flood Risk

DM10 – On Site Water Management on Surface Water Attenuation

DM12 – Sustainable Design and Layout

DM23 – Streetside Greenness and Forecourt Greenery

DM24 – Housing Mix

DM27 – Amenity Space

DM42 – Parking Standards

DM43 - Transport Assessments and Travel Plans

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Residential Design Guide (2010)

Code of Practice for the storage and collection of refuse and materials for recycling in domestic properties (2008)

Harrow Strategic Flood Risk Assessment (2009)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

3 CDM REGULATIONS 1994

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

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

4 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 GRANT WITH PRE-APPLICATION ADVICE

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

6 MAYOR OF LONDON COMMUNITY INFRASTRUCTURE LEVY

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £16,240 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

The charge has been calculated on the floorspace of the proposed building.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of £16,240 for the application, based on the levy rate for Harrow of £35/sqm and the stated new floorspace of 464sqm.

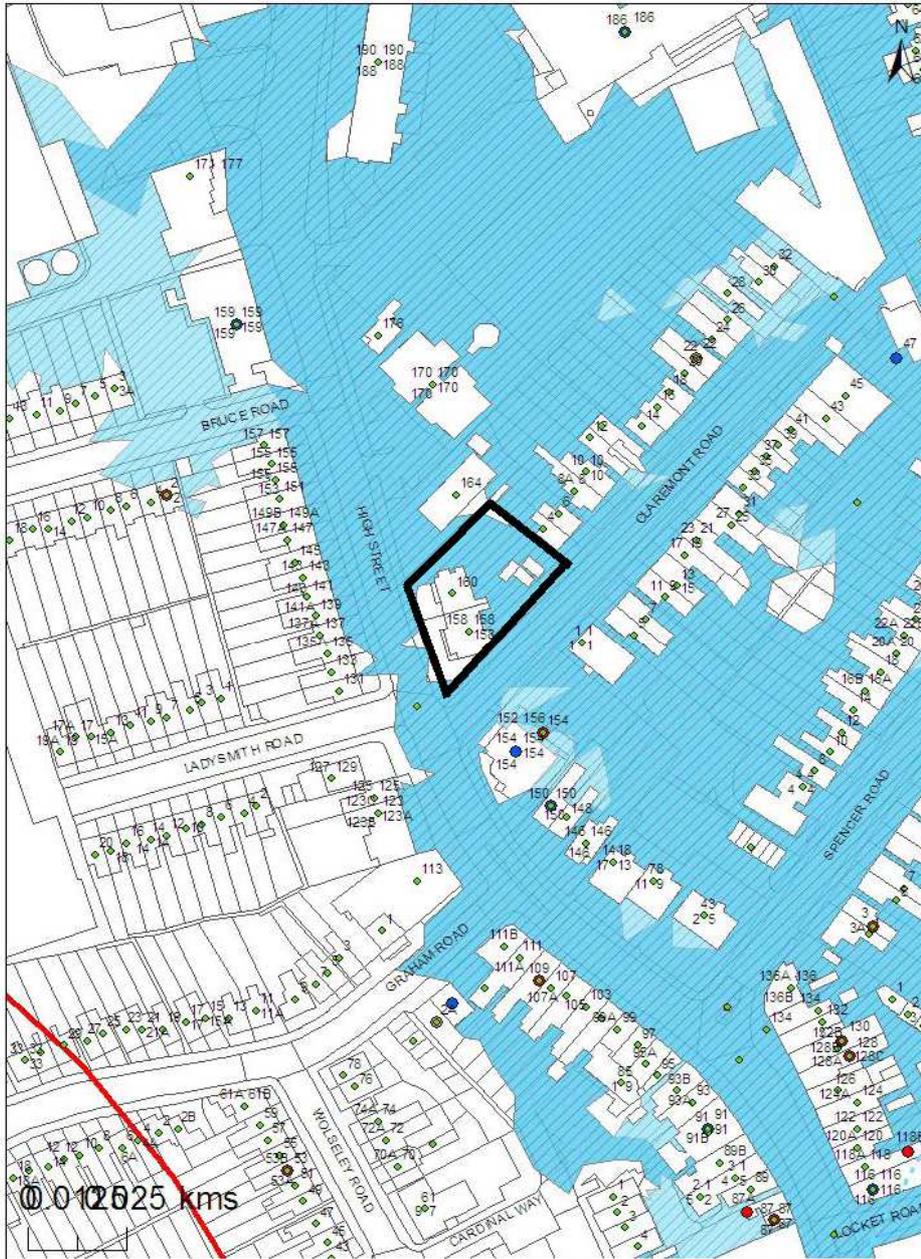
You are advised to visit the planningportal website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

7 INFORMATIVE: You are advised that Harrow has proposed a CIL which will apply Borough wide for certain uses of over 100sqm gross internal floor space. The CIL has been examined by the Planning Inspectorate and found to be legally compliant. It is anticipated (subject to Council adoption) that it will be charged from the 1st October 2013. If this application is determined after this date, Harrow CIL will be payable at £110 per square metre. The proposal would attract a total Harrow CIL of £51,040 for a net additional floorspace of 464 square metres.

Plan Nos: Financial Viability Appraisal – February 2013; Planning, Design and Access Statement – February 2013; Sustainability Statement 2013; Site Plan; 12/3284/1; 12/3284/2; 12/3284/3; 12/3284/4; 12/3284/5; 12/3284/6; 12/3284/7 Rev A; 12/3284/8; Flood Risk Assessment – July 2013; Dimensioned details of the vehicle crossover; Sequential & Exceptions Test in Support of Flood Risk Assessment – July 2013

158-160 HIGH STREET, WEALDSTONE



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SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01
Address: XANADU HOUSE, POTTER STREET HILL, PINNER
Reference: P/0380/13
Description CHILDRENS PLAY HOUSE ON PLINTH IN REAR GARDEN (RETROSPECTIVE APPLICATION)
Ward: PINNER
Applicant: MR RAMAN DHILLON
Agent: CONSTRUCT 360 LTD
Case Officer: FERGAL O'DONNELL
Expiry Date: 12 AUGUST 2012

RECOMMENDATION

GRANT planning permission for the development described in the application and the submitted plans, subject to a condition.

INFORMATION:

This application is being reported to Planning Committee as a formal complaint against the Local Planning Authority's handling of the application has been received. Officers therefore consider that the application is of significance and should be determined by Members. The application is therefore referred to the Planning Committee as it is excluded by Proviso A of the Scheme of Delegation dated 29 May 2013. At the time of writing a site visit by Members to the application property is scheduled for Thursday 29 August 2013.

Statutory Return Type: Householder Development
Council Interest: None
Net Additional Floorspace: 0sqm
GLA Community Infrastructure (CIL) Contribution: N/A

Site Description

- The application site is located on the eastern side of Potter Street Hill.
- The site is located towards the western boundary of the Pinner Hill Estate Conservation Area, and within the Pinner Hill Area of Special Character and the Metropolitan Green Belt.
- The site is broadly rectangular in shape and is generous in size, consistent with the size of plots in the area generally, narrowing to a point at the southern end. The site slopes downwards from the front to the rear boundary and from the northern boundary to the southern boundary. Neighbouring properties display similar topography.

- The site is occupied by a detached and split level single and two-storey dwellinghouse orientated at approximately 45° angle to the highway.
- The site is bounded on the all sides by hedging and mature trees.
- At the rear of the property, a relatively spacious garden is enclosed by deciduous trees and hedging. The site slopes away sharply from the rear of the dwellinghouse towards the lowest point of the garden at the south-western corner.
- Mature trees reduce the perceived depth of the plot at this location and approximately 10m from the rear boundary and 3m from the southern boundary, just beyond the canopy of the mature trees, a children's playhouse on a platform has been erected. This playhouse is the subject of this application.

Proposal Details

- The application seeks retrospective planning permission for a children's playhouse, erected on platform near the south-western corner of the rear garden of the application site.
- The platform provides a level surface for the playhouse, required due to the sharply sloping levels of the land in this location.
- The platform is raised 180mm, 390mm, 590mm and 1070mm above the level of the garden at the north-western, north-eastern, south-western and south-eastern corners of the platform respectively. A safety railing of 900mm is provided above the platform. The platform is 8.1m by 4m.
- A playhouse with two levels, the upper level of which is 1480mm above the level of the platform, is located approximately centrally on the platform. Its overall height, above the level of the platform is 3.2m and it is coloured brown / orange with green and blue mock windows and doors.
- A brown / orange A-framed swing extends southwards of the playhouse. It is 2.7m wide and 2.3m high.
- A yellow enclosed tubular slide extends to the northern side of the playhouse. It is 900mm wide and 2m high.

Relevant History

HAR/10225
ERECT BUNGALOW AND GARAGE
Granted: 17 March 1955

HAR/10225/B
ERECT ADDITIONAL GARAGE AND BALCONY
Granted: 14 December 1962

LBH/2470
ERECT CONSERVATORY
Granted: 21 June 1967

LBH/36295
TWO/SINGLE STOREY SIDE AND REAR EXTENSIONS
Granted: 02 September 1988

WEST/29/97/FUL
SINGLE STOREY REAR EXTENSION WITH TERRACE AND RETAINING WALL
Refused: 18 March 1997
Appeal Allowed: 30 September 1997

Reasons for Refusal:

1. The proposed extension would reduce the amount of space around the building, detracting from the openness of the site and the low density, semi-rural character and appearance of the Conservation Area.
2. The proposed extension in conjunction with previous extensions to this property would result in disproportionate additions to the original dwelling house which would be inappropriate and unacceptable in the Green Belt and Area of Special Character, contrary to the provisions of PPG2 and the relevant policies of the UDP.

P/0845/11

EXTENSION TO GROUND FLOOR WITHIN EXISTING TERRACE AREA TO FORM ADDITIONAL ROOMS; NEW ATTACHED CANOPY TO EAST AND SOUTH OF ELEVATIONS; EXTERNAL ALTERATIONS TO EXISTING DWELLING INCOPORATING NEW WINDOWS AND DOORS

Granted: 10 June 2011

P/0312/12

ERECTION OF BRICK AND TIMBER CLAD ENCLOSURE ATTACHED TO SOUTHWEST SIDE WALL OF EXISTING DETACHED GARAGE TO HOUSE AN AIR-CONDITIONING CONDENSER UNIT (OPTION 2).

Granted: 18 July 2012

P/0581/12

NON-MATERIAL AMENDMENT TO PLANNING PERMISSION P/0845/11 DATED 13/06/2011 FOR 'EXTENSION TO GROUND FLOOR WITHIN EXISTING TERRACE AREA TO FORM ADDITIONAL ROOMS; NEW ATTACHED CANOPY TO EAST AND SOUTH OF ELEVATIONS; EXTERNAL ALTERATIONS TO EXISTING DWELLING INCOPORATING NEW WINDOWS AND DOORS'

Granted: 18 July 2012

P/1446/12

VARIATION OF CONDITION 3 (APPROVED PLANS) OF PLANNING PERMISSION P/0845/11 DATED 13/06/2011 (FOR THE EXTENSION TO GROUND FLOOR WITHIN EXISTING TERRACE AREA TO FORM ADDITIONAL ROOMS; NEW ATTACHED CANOPY TO EAST AND SOUTH OF ELEVATIONS; EXTERNAL ALTERATIONS TO EXISTING DWELLING INCORPORATING NEW WINDOWS AND DOORS) TO REDUCE THE SIZE AND AMEND THE DESIGN OF THE ATTACHED CANOPY AND TO ATTACH A RETRACTABLE SUNSHADE AWNING ON THE SOUTH ELEVATION.

Granted: 08 October 2012

P/1766/12

1.5M HIGH FRONT BOUNDARY TIMBER FENCE AND AUTOMATIC GATES

Refused: 05 October 2012

Reason for Refusal:

1. The front boundary timber fence and automatic timber gates, by reason of their unacceptable height, bulk, solidity and generally inappropriate suburban design would appear as an incongruous and visually obtrusive addition to the street scene that would fail to preserve or enhance the character and appearance of the Pinner Hill Estate Conservation Area or the Harrow Weald Ridge Area of Special Character and would have a detrimental impact upon the open character of this part of the Green Belt contrary

to the National Planning Policy Framework (2012), , saved policies D4, D14, D15, EP31 of the Harrow Unitary Development Plan (2004), policies CS1.B, CS1.F and CS1.D of the Harrow Core Strategy (2012) and policies 7.16, 7.4B, 7.6B and 7.8B of The London Plan (2011) and the adopted Supplementary Planning Document: Pinner Conservation Areas – Appendix 9: Pinner Hill Estate Conservation Area Character Appraisal and Management Strategy (2009)

Applicant Submission Documents

- Design and Access Statement

Consultations

Conservation Officer

There are no objections to this as it preserves the character and appearance of the Pinner Hill conservation area the special interest of which is defined within the Pinner Hill Conservation Area Appraisal and Management Strategy.

Pinner Hill Residents Association (summarised as follows):

- Concerned work carried out is unauthorised
- Concerned as to the visual impact of development and privacy impacts
- Object to the proposal on the grounds that the development is inappropriate to the Pinner Hill Estate Conservation Area
- Proposal would the level of soft landscaping, a characteristic of gardens in the Conservation Area
- The excessive size and unacceptable style of the playhouse is visually intrusive and allows invasion of the privacy of neighbouring occupiers
- PHRA trust the application will be assessed in accordance with the Pinner Hill Conservation Area Appraisal and Management Strategy and previous planning application P/1328/07

The Pinner Association

No response received to date

Conservation Area Advisory Committee

No objections

Advertisement: Character of the Conservation Area

Expiry: 01 August 2013

Site Notice Erected: 10 July 2013

Expiry: 31 July 2013

Notifications

Sent: 3

Replies: 6

Expiry: 23 July 2013

Neighbours Consulted:

Potter Street Hill: Southerly Ridge, Carleton Cottage, The Sloes

Summary of Responses:

Article 4 Direction

- Presence of Article 4 Direction on the area indicates importance Council places on preserving the openness of gardens. Black and white photographs supplied do not demonstrate the extent of the harm arising
- Height of structure beyond the limits of permitted development
- Rationale of Article 4 direction was to preserve uniformity which the development does not accord with.
- Development does not accord with policies or Article 4 in place for the area

Character and Appearance

- Development is out of keeping and garish in colour and appearance and is unsympathetic
- The construction of a platform to the rear of the dwellinghouse has eroded the soft landscaping of the rear garden
- Pinner Hill Conservation Area has a highly restrictive planning protection in light of its intrinsic qualities
- Development is discordant due to its alien and garish colours; is out of keeping with the pattern of development in gardens in the area; is beyond reasonable 'play equipment'; urbanises the Green Belt and Conservation Area thus failing to preserve or enhance; adversely affects the setting and quality of a footpath adjacent to neighbouring property to the north
- Development is contrary to Area of Special Character policies as it interrupts the rhythm of the landscape.
- Development is contrary to policies of the Pinner Hill Estate Conservation Area as it: reduces the spaciousness of the garden; is discordant in terms of bulk, mass, colour and siting; structure is particularly urbanising; unduly enclosing and introduces a perception and reality of overlooking; its presence detracts from the tranquil character of the area; structure is alien to its siting and out of context; reduces the visual coherence of neighbouring dwellings; development has a degree and scale which indicates permanence.

Green Belt

- Development is contrary to Metropolitan Green Belt policies and objectives and Inspectors are consistent in considering playhouses in these locations as 'clutter', and unwarranted and unacceptable intrusion

Noise and Amenity

- Development generates a lot of noise and hence harms the area to be protected for its natural beauty and peace
- Development dominates private amenity space of neighbouring occupiers; overlooks and compromises the privacy of neighbouring occupier to the north
- Development overlooks neighbouring properties and noise created by the use of the playhouse disturbs the neighbouring properties
- Usage of the development is invasive to both the visual and acoustic privacy of the property to the north.

Precedent

- Permitting such a structure would set a dangerous precedent for other properties in the area and irreparably damage the area
- Allowing the structure to remain would mean, at least in theory, that each and every house could install a similar structure which would be contrary to Area of Special Character policies

Other Issues

- Surprising applicants were unaware planning permission was required
- Inappropriate tree species planted on the boundaries of the site in the process of dying.
- Newly planted dying trees degree from the amenity value of the protected trees on the site
- Apparent applicant has no intention of according with planning principles, no consideration for rights of others and expects the Council to indulge him in such matters.
- It beggars belief that Enforcement Action has not been taken on the development
- The Council should either defend its policies or change them
- Council requested to consider the factual accuracy of the application

APPRAISAL

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan 2013 [SALP] and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

Development in the Green Belt

Character and Appearance of the Pinner Hill Estate Conservation Area and the Pinner Hill Area of Special Character

Trees and Development

Residential Amenity

Equalities Implications

S17 Crime & Disorder Act

Consultation Responses

Development in the Green Belt

The National Planning Policy Framework [NPPF] confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The NPPF also sets out the tests for appropriate development in the Green Belt. It states that construction of new buildings in the Green Belt is inappropriate but provides exceptions. In the case of the development proposal being considered here, the NPPF does not offer any direct parallels as to what may constitute exceptions to inappropriate development, though it is noted that the provision of appropriate facilities for outdoor recreation would

not constitute inappropriate development, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Policy 7.16 of the LP states that inappropriate development should be refused, except in very special circumstances. Policy DM16 of the DMP sets out an identical approach, identifying the openness and permanence as the primary characteristics of the Green Belt, but also identifying that regard should be given to potentially harmful impacts upon visual amenity, the setting of heritage assets and biodiversity values.

A number of representations have been received in relation to the impact of the development on the spaciousness and openness of the locality, considered that the development adversely affects these qualities of the locality, due to its scale, siting and 'garish' colours and the removal of permitted development rights due to the provision of an 'Article 4 Direction' within the Conservation Area.

The materials and colour of the playhouse give it a visual prominence in the rear garden. Nonetheless, it is located in the south-eastern corner of the garden, towards the lowest point of the site, which reduces its prominence within a generously sized rear garden. The site itself is surrounded by mature deciduous trees which significantly limit views on the site from public viewpoints to glimpses from the public footpath that runs along the northern boundary of The Sloes and Carleton Cottage. The structure, although of substantial scale, because of its ancillary nature as children's equipment and lightweight appearance does not give the impression of a permanent structure (e.g. once the children of the dwellinghouse have outgrown the play equipment, the equipment would be easily removed, though this may not necessarily happen).

The 'Article 4 Direction' for this part of the CA removes permitted development rights in respect of Schedule Part 1, Classes F and H (hard surfaced paving and satellite antenna) and Part 2, Classes A and B (the erection of means of enclosure and laying out of roads) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Neither of these restrictions relate to rear gardens or structures that could be constructed in rear gardens and are not therefore relevant to the consideration of this application. Conceivably, substantially larger areas of the rear garden, with no restriction on the colour of the equipment, could be dedicated to children's play equipment without the requirement of express planning permission albeit at a maximum height of 2.5m above ground level.

For these reasons, having regard to the primary characteristics of the Green Belt, its openness and permanence, it is considered that the impacts of the development on these characteristics would not be significant and development would not adversely impact on the purposes of including land within the Green Belt. Accordingly, it is considered that development accords with the provisions of the NPPF and development plan policies in relation to Green Belt issues.

Character and Appearance of the Pinner Hill Estate Conservation Area and the Pinner Hill Area of Special Character

Policy and Site Context

Policy DM1 of the DMP requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. This policy broadly reflects policies 7.4.B and 7.6.B of The London Plan 2011 and gives effect to policy CS1.B of the Harrow Core Strategy 2012, policies which seek to ensure that development respects local character and provides architecture of

proportion, composition and scale that enhances the public realm.

Policy CS1.D of the Harrow Core Strategy 2012 and policies DM6 and DM7 of the DMP are also relevant given the location of the site within an Area of Special Character [ASC] and the Pinner Hill Estate Conservation Area [CA]. These policies seek to ensure that the historic environment would not be compromised by development. The NPPF and policy 7.8.C/D/E of The London Plan 2011 set out similar aims.

The Council has adopted Supplementary Planning Document: Pinner Conservation Area 2009 [PSPD] which is supplemented by the Pinner Hill Estate Conservation Area Appraisal and Management Strategy [CAAMS] as an appendix. This SPD carries substantial weight as a material planning consideration.

The site is located within a verdant setting, characteristic of the generous and spacious nature of the ASC and the CA. The CAAMS recognises the assets of the conservation area are derived from its main characteristics namely: the rural, low density of development; the individual styles of housing; the streetside greenness of the locality; the informal road layout with soft grass verges; the statutory and locally listed buildings; unusually high standard of maintenance of properties, grounds and verges and the rich flora and fauna derived from the woodland and parkland.

Appraisal of Character Impacts

A number of representations have been received objecting to the impact of development on the CA and the ASC and these are summarised above. These broadly relates to the impact of development in terms of its visual discordance and alien impact in its setting, its bulk, mass and colour, the urbanising impact of development detracting from the tranquil nature of the area and adverse impact of development on the landscape topography.

It is considered that the development does not adversely affect the assets from which the CA derives its main characteristics as outlined above. The structure itself is highly inconspicuous, if evident at all, from public viewpoints. In terms of more localised impacts to which the representations received refer, it is acknowledged that the structure differs from the traditional form of development. This does not mean that it is harmful. Rather, a playhouse by its nature is clearly going to be different in form to other more traditional forms of development. The playhouse has a clearly ancillary and semi-permanent appearance. Though the colours of the playhouse are relatively stark, such colours are not unreasonable within the clearly defined function of the playhouse as children's play equipment. In addition, within the generous context of the rear garden, the playhouse has a relatively minor scale and the bulk and mass of the most apparent parts of the playhouse, the brightly coloured elements is not significant.

Representations received also consider that the development has an urbanising effect and disrupts the tranquil nature of the CA. As outlined above, it is considered that the playhouse has an overtly ancillary appearance and is immediately apparent as children's play equipment. It is considered that children's play equipment is wholly appropriate within the rear garden of a dwellinghouse, particularly where the application site is highly screened from public viewpoints, and it should not be considered as harmful solely because of its siting within this suburban / semi-rural area. In terms of the representations received regarding the tranquillity of the area being disturbed, these impacts appear to be primarily derived from the noise created by children playing. Whether the play equipment was present or not, children would be free to play in the gardens of the application property and generate similar levels of noise. Accordingly, it is considered that the

tranquil nature of the area is not adversely affected by the development proposal. The Council's Conservation Officer has raised no objections to the development proposal.

Representations have also been received in relation to the impact of development on the topography of the land and the ASC. However, the development is minor in scale within the context of the Pinner Hill Area of Special Character, does not permanently alter the topography of the land (given its semi-permanent nature) and is significantly screened from public viewpoints. Accordingly, no harm to the ASC arises.

For these reasons and considering the primary assets from which the CA derives its character, it is considered that the proposed development would not adversely affect the character of the CA. The character of the CA is therefore preserved by the development and accords with policies 7.4 and 7.8 of the LP and policies DM1 and DM7 of the DMP. The development would not adversely impact on the ASC and therefore accords with policy DM6 of the DMP.

Trees and New Development

The playhouse is located adjacent to the tree canopy of the deciduous trees and laurel hedges on the site. The Council's Arboricultural Officer has reviewed the application and considers that the development does not have any adverse impact on the existing or future health or setting of those trees of amenity value on the site. Accordingly, the development accords with policy 7.21 of the LP and policy DM22 of the DMP.

Residential Amenity

Policy 7.6.B of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Policy DM1 of the DMP similarly seeks to ensure that the amenities and privacy of neighbouring occupiers is not adversely affected by development.

Representations have been received from a neighbouring occupier and other properties in the surrounding area outlining how it is considered that the proposal is invasive to the visual and acoustic privacy of neighbouring occupiers.

As outlined above, it is considered that the noise generated by children on the site would occur whether the play equipment was located on the site or not. It is considered that any additional noise created by the usage of the play equipment beyond the noise created by children themselves is not significant and is not harmful to the privacy of neighbouring occupiers. An objection on these grounds could not reasonably be sustained.

In terms of visual impacts, the site is enclosed by a high degree of vegetation and views of the neighbouring rear gardens are significantly restricted. In relation to the neighbouring property to the north, the playhouse is located a significant distance from this boundary and at a lower level than most of the rear garden of the application property. Accordingly, it is considered that no adverse overlooking of this property would occur.

In relation to the neighbouring property to the south, the raised platform is located some 3m from this boundary, an area where the vegetation and screening is not as dense as other parts of the boundary. However, the raised platform and playhouse are located at the lower end of the garden where views of the larger part of the rear garden of the

property to the south is significantly restricted. Furthermore, the nature of the play equipment is such that it would not be used in the manner of traditional outdoor amenity areas as children would be moving as they play and would be primarily orientated in a direction towards the dwellinghouse or the north by the siting of the equipment. As such, it is considered that any effects as a result of overlooking on the amenities of the neighbouring property to the south are not unreasonable.

In relation to the whether the development imposes on visual amenities, the development is only glimpsed by neighbouring occupiers without closer inspection and certainly does not affect the outlook of neighbouring occupiers.

The development therefore accords with policy 7.6.B and policy DM1 of the DMP in ensuring that the amenities of the neighbouring occupiers are not adversely affected.

Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application would not have any impact on equalities.

S17 Crime & Disorder Act 1998

Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development proposal does not present any issues in terms of crime or safety.

Consultation responses

Article 4 Direction

- Presence of Article 4 Direction on the area indicates importance Council places on preserving the openness of gardens. Black and white photographs supplied do not demonstrate the extent of the harm arising
- Height of structure beyond the limits of permitted development
- Rationale of Article 4 direction was to preserve uniformity which the development does not accord with.
- Development does not accord with policies or Article 4 in place for the area

Officer response:

Issues in relation to 'permitted development' rights have been addressed in Section 1 of the Appraisal above.

Character and Appearance

- Development is out of keeping and garish in colour and appearance and is unsympathetic
- The construction of a platform to the rear of the dwellinghouse has eroded the soft landscaping of the rear garden
- Pinner Hill Conservation Area has a highly restrictive planning protection in light of its intrinsic qualities
- Development is discordant due to its alien and garish colours; is out of keeping with the pattern of development in gardens in the area; is beyond reasonable 'play equipment'; urbanises the Green Belt and Conservation Area thus failing to preserve or enhance; adversely affects the setting and quality of a footpath adjacent to neighbouring property to the north
- Development is contrary to Area of Special Character policies as it interrupts the rhythm of the landscape.
- Development is contrary to policies of the Pinner Hill Estate Conservation Area as it: reduces the spaciousness of the garden; is discordant in terms of bulk, mass, colour and siting; structure is particularly urbanising; unduly enclosing and introduces a perception and reality of overlooking; its presence detracts from the tranquil character of the area; structure is alien to its siting and out of context; reduces the visual coherence of neighbouring dwellings; development has a degree and scale which indicates permanence.

Officer response:

The merit of the application in terms of its impacts on the character of the locality has been considered in detail in the Appraisal above.

Green Belt

- Development is contrary to Metropolitan Green Belt policies and objectives and Inspectors are consistent in considering playhouses in these locations as 'clutter', and unwarranted and unacceptable intrusion

Officer Response:

Impact of Development on the characteristics of the Green Belt has been considered in the Appraisal section of the application above.

Noise and Amenity

- Development generates a lot of noise and hence harms the area to be protected for its natural beauty and peace
- Development dominates private amenity space of neighbouring occupiers; overlooks and compromises the privacy of neighbouring occupier to the north
- Development overlooks neighbouring properties and noise created by the use of the playhouse disturbs the neighbouring properties
- Usage of the development is invasive to both the visual and acoustic privacy of the property to the north.

Officer response:

Impact of Development on the amenities of neighbouring occupiers has been considered in the Appraisal section of the application above.

Precedent

- Permitting such a structure would set a dangerous precedent for other properties in the area and irreparably damage the area

- Allowing the structure to remain would mean, at least in theory, that each and every house could install a similar structure which would be contrary to Area of Special Character policies

Officer response:

In accordance with the General Principles of Planning, each application must be assessed on its relative merits with regard to all material planning considerations. This application has been assessed in accordance with these principles, as would any future applications for development in other parts of the locality

Other Issues

- Surprising applicants were unaware planning permission was required
- Objection in principle to the use of retrospective applications
- Inappropriate tree species planted on the boundaries of the site in the process of dying.
- Newly planted dying trees degree from the amenity value of the protected trees on the site
- Apparent applicant has no intention of according with planning principles, no consideration for rights of others and expects the Council to indulge him in such matters.
- The Council should either defend its policies or change them
- Council requested to consider the factual accuracy of the application

Officer response:

The Planning Acts permit the submission of retrospective planning applications seeking to regularise development. These applications are assessed against the same policies of the development and the tests for the appropriateness of such development are therefore the same.

The Council's Arboricultural Officer has commented on the application and considers that the significance of those trees of amenity value on or near the site has not been eroded.

It is considered that the development accords with development plan policies as outlined in the report above and it is considered that the detail provided with the application is sufficient to enable consideration of the application.

Pinner Hill Residents Association comments:

- Concerned work carried out is unauthorised
- Concerned as to the visual impact of development and privacy impacts
- Object to the proposal on the grounds that the development is inappropriate to the Pinner Hill Estate Conservation Area
- Proposal would the level of soft landscaping, a characteristic of gardens in the Conservation Area
- The excessive size and unacceptable style of the playhouse is visually intrusive and allows invasion of the privacy of neighbouring occupiers
- PHRA trust the application will be assessed in accordance with the Pinner Hill conservation Area Appraisal and Management Strategy and previous planning application P/1328/07

Officer response:

Many of these comments have been addressed above. In relation application P/1328/07,

this application has been assessed on its merits. Whereas a playhouse was considered to be harmful in that instance, for all the reasons outlined in this report and particularly the site circumstances, this application is considered to be appropriate.

CONCLUSION

Officers consider that given its siting to the rear of the dwellinghouse in area with a high level of screening and vegetation, its relatively minor scale within the context of a generous rear garden, its ancillary nature and semi-permanent appearance, the playhouse equipment and plinth preserves the character and appearance of the Pinner Hill Estate Conservation Area. Owing to its scale, use and high level of screening, the playhouse does not adversely affect the openness or permanence of the Green Belt, the Pinner Hill Area of Special Character or the amenities of the neighbouring properties. The representations received are noted and it is acknowledged that the bright colours of the playhouse draw attention to it. Nonetheless, any views of the structure are almost entirely private and within the context of its use as children's play equipment, officers consider that these colours are not harmful to the character of the area.

For these reasons, 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.

CONDITION:

1 The development hereby permitted shall be maintained in accordance with the following approved plans and documents: PSH-1001; PSH-1002; Design and Access Statement

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

INFORMATIVES:

1 INFORMATIVE:

The following National Planning Policy, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and Development Management Policies Local Plan 2013 are relevant to this decision:

National Planning Policy Framework 2012

The London Plan 2011: 7.2.C, 7.3.B, 7.4.B, 7.6.B, 7.8.C/D/E, 7.16.B, 7.21.B

The Harrow Core Strategy: CS1.A/B/D/F

Development Management Policies Local Plan 2013: DM1, DM6, DM7, DM16, DM22

Supplementary Planning Document: Pinner Conservation Areas 2009

Appendix 9 to SPD: Pinner Conservation Areas: Pinner Hill Estate Conservation Area Appraisal and Management Strategy 2009

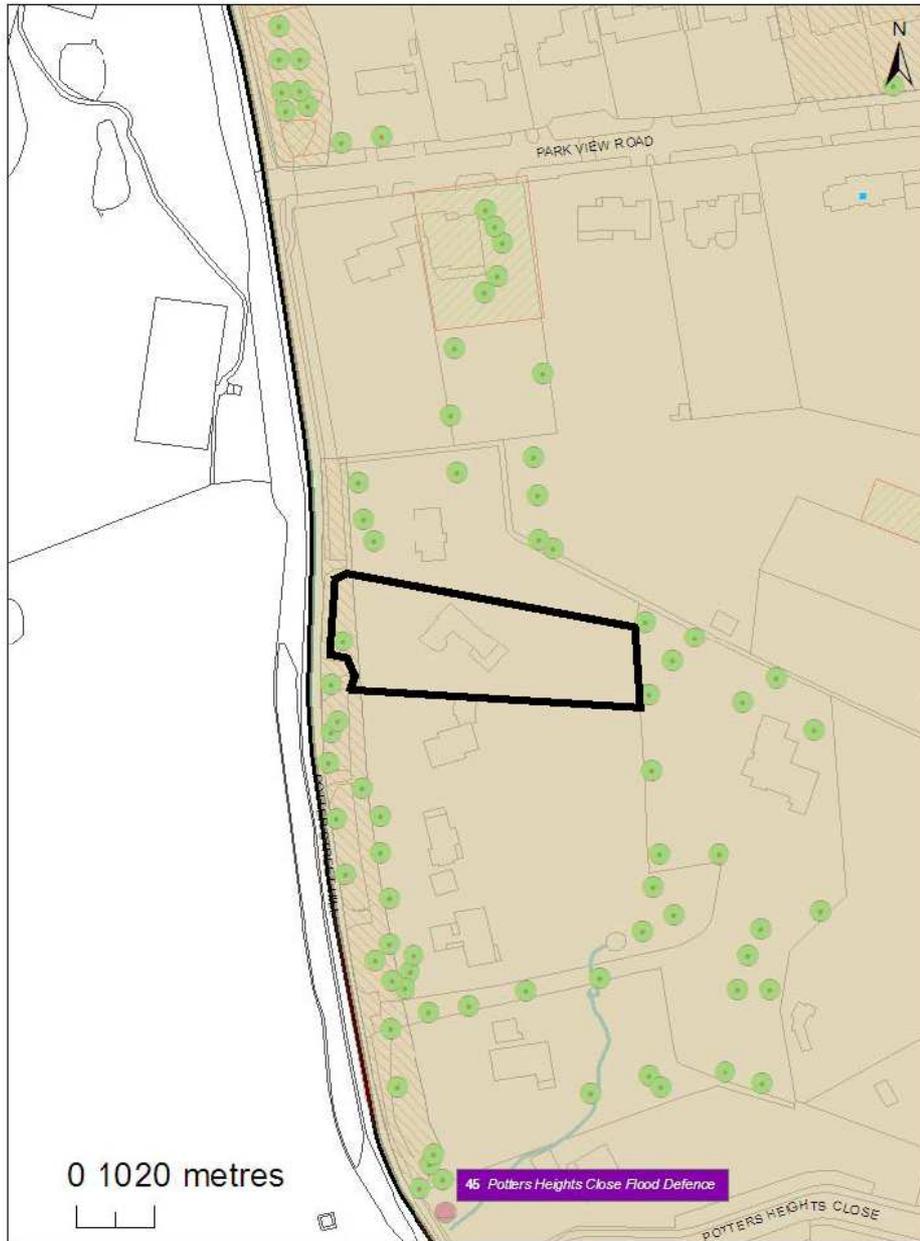
2 INFORMATIVE:

GRANT WITHOUT PRE-APPLICATION ADVICE

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Plan Nos: PSH-1001; PSH-1002; Design and Access Statement

XANADU HOUSE, POTTER STREET HILL, PINNER



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The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office 2423

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Tollgate House
Houlton Street
Bristol BS2 9DJ

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GTN 1374

APPEAL
ALLOWED

Jeffrey Howard Associates
25 Broadfields Avenue
EDGEWARE LONDON BOROUGH OF HARROW
HA8 8PF

Your Ref:

Our Ref:

T/APP/M5450/A/97/280019/P2

Date:

30 SEP 1997

LONDON BOROUGH OF HARROW	
DEPT. OF DEVELOPMENT	
PLANNING AND	
TRANSPORTATION DIVISION	
02 OCT 1997	DD
HP+T	BC
FP	DC
LP	FP
LP	LP
Acknowledged	

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY ROGER MORRIS
APPLICATION NO: WEST/29/97/FUL

- I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Council of the London Borough of Harrow to refuse planning permission in respect of an application for a ground floor single storey extension to the existing house at Xanadu, Potter Street Hill, Pinner. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on 2 September 1997.
- By way of clarification, the drawings submitted indicate the construction of a terrace and retaining wall in addition to the extension described in the original application. I shall therefore deal with the appeal on that basis.
- From my reading of the written representations and my site inspection, I consider that the main issue in this case is whether the proposed extension would harm the open character of the surrounding area within the Metropolitan Green Belt and the Harrow Weald Area of Special Character.
- The development plan for the area is the Harrow Unitary Development Plan (UDP) adopted in 1994. Policy E8 seeks to protect the character and appearance of the Harrow Weald Ridge Area of Special Character. Policy E10 sets out criteria for assessing proposals in the Green Belt, including the appropriateness of the proposal, the design, and whether the structure is essential for the proper functioning of the land use. Policy E11 indicates that extensions in the Green Belt should, inter alia, minimize the adverse environmental impact on the Green Belt character.
- Policy E38 seeks to preserve and enhance the character of Conservation Areas, and Policy E39 gives priority over other planning standards to the preservation of the character of Conservation Areas. Finally, Policy E45 requires a high standard of design and layout in extensions.
- The site lies in the Pinner Hill Estate Conservation Area, which is characterised by low density housing in large plots within a semi-rural setting. The houses on Potter Street Hill are all located on the eastern side of the road, and there is open countryside on the western side. The proposed extension would be some 10m² in area, and situated at the rear of the appeal property, in a location where it would not be visible from the road. It would

be glimpsed across a neighbouring garden from a nearby footpath to the north-east, but would be partially screened from this direction by planting within the gardens. Because of its modest scale and the lack of any direct public view I consider that it would not affect the open, low density nature of the locality, and would preserve the character and appearance of the Conservation Area. I therefore conclude that it would accord with Policy E38 of the UDP, and with the Council's Policy Statement for the Conservation Area.

7. Turning to the main issue, the site is located within the Metropolitan Green Belt. PPG2 advises that one of the purposes of Green Belts is to safeguard the countryside from encroachment. It also indicates that limited extension of existing dwellings in the Green Belt is not inappropriate, provided that it does not result in disproportionate additions over and above the size of the original building. In this case I consider that the proposal is not inappropriate in principle, subject to consideration of that caveat.

8. The appeal property was originally built in 1955 as a 3-bedroom bungalow with integral garage at a lower ground level. Permission was subsequently granted for extensions in 1962 and 1967. However, in 1988 much of the then existing property was demolished to facilitate a further series of extensions, incorporating some 2-storey elements. These extensions represented an increase in the volume of the building of about 290m³, or 88% of the volume of the original bungalow.

9. The previous planning permissions have led to a significant increase in the size of the house over and above its original floor area. Notwithstanding this, it is now a substantial, well-proportioned house which is located on an ample plot, and is of similar size to other nearby properties. I consider that the proposal represents a modest addition and, because of its design, it would relate satisfactorily to the existing dwelling. As a consequence, I take the view that it would not be intrusive into the open character of the Green Belt in this location and, despite the overall increase in the size of the house over the years, it would not represent a disproportionate increase in the size of the original house. In my view, it would accord with the advice in PPG2, and would not weaken the intentions of the policies which seek to prevent encroachment on the Green Belt.

10. The house is built on a site which slopes steeply away from Potter Street Hill, with substantial mature hedgerows and trees to the west, north, and south, which screen it from the road and from the adjoining properties on either side. The proposed extension would be situated at the rear of the house, on its eastern corner, overlooking the rear garden.

11. The extension is designed to round-off a corner of the existing house and to provide a small extension to the dining room, which would bring functional benefits to the occupiers of the property. The materials to be used for the external surfaces would match the existing and, in my view, would not appear out of character, either with the immediate setting or with the wider environs. In addition, I consider that because of its location it would not result in any adverse environmental impact on the character of the Green Belt. As a consequence, I consider that the proposal would accord with the intentions of the Council's Green Belt policies.

12. Similarly, the Council's policy in respect of the Area of Special Character seeks, *inter alia*, to ensure that development preserves or improves the character and appearance of the area. Paragraph 2.29 of the supporting text in the UDP indicates that the intention of the policy is to protect significant features such as hedges, attractive buildings, and important views and skylines. In my view, because of its scale, location, and screening from most viewpoints, the proposal would have no material impact on these features, nor on the character and appearance of the area as a whole. As such, I consider that the proposal would accord with the objectives of the Council's policy.

13. I therefore conclude on the main issue that the proposal accords with the objectives of Policies E8, E10, E11, and E45 of the UDP, and with the advice contained in PPG2. Given its scale and location, the proposed extension would not harm the open character of the surrounding area in the Metropolitan Green Belt or the Harrow Weald Area of Special Character and, in my view, those considerations are the determining factors in this case.

14. I have considered the need for conditions in the context of Circular 11/95. The Council has suggested a condition be imposed requiring the submission and approval of details of the materials to be used on the external surfaces of the extension, the terrace and the retaining wall. Although the submitted plans refer to the use of matching materials on the roof and walls of the extension, I consider that it would be appropriate to require samples of all materials to be submitted, in order to ensure that the detailing of the extension and associated works is satisfactory, given the location of the site within the Area of Special Character and the Conservation Area.

15. I have considered all other matters raised, including the planning history of the property, the existing extent of the site coverage and the advice in PPGs 1 and 15. However, none of these is sufficient to outweigh the conclusions which I have reached on the main issue.

16. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for a ground floor single storey extension, terrace and retaining wall in accordance with the terms of the application (No WEST/29/97/FUL) dated 10 January 1997 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. no development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension, the ground surfacing of the terrace, and the retaining wall 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.

17. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

18. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

Raymond Michael.

RAYMOND MICHAEL BSc DipTP MBA ARICS MRTPI MIM
Inspector

Item No. 2/02

Address: STANMORE COLLEGE, ELM PARK, STANMORE

Reference: P/1663/13

Description: CONSTRUCTION OF A THREE STOREY LINKED BUILDING TO THE WEST OF THE SITE, ADJACENT TO OLD CHURCH LANE TO PROVIDE A GYM AND ANCILLARY FACILITIES AT GROUND FLOOR LEVEL AND FOUR ADDITIONAL TEACHING CLASSROOMS AT FIRST AND SECOND FLOOR LEVEL; NEW NON ILLUMINATED SIGNAGE TO FRONT (WESTERN) ELEVATION; HARD AND SOFT LANDSCAPING; PROVISION OF CYCLE STORAGE RAILINGS AND BOUNDARY TREATMENT; (DEMOLITION OF EXISTING SINGLE STOREY MOBILE BUILDING ON WESTERN SIDE OF THE SITE (HAWTHORN MOBILE BUILDING) AND PART DEMOLITION OF SINGLE STOREY HALL BUILDING AND EXTERNAL CANOPIES)

Ward: STANMORE PARK

Applicant: HARROW COUNCIL

Agent: MR TERRY STEVENS

Case Officer: NICOLA RANKIN

Expiry Date: 12th AUGUST 2013

RECOMMENDATION

GRANT planning permission subject to conditions:

REASON

The proposal is considered to comply with the relevant education policies and would enhance the existing facilities on site. The proposal does not seek to increase student or staff numbers on site and as such, the proposal would have no adverse impact on local residents or highway safety. Whilst it is noted that the proposed development would be modern in design, it is considered that the juxtaposition between the old and new would enhance the appearance of the existing buildings. Furthermore, the building would be well screened by trees from the public realm. As such, there would be no impact upon the character and appearance of the existing building or the locality. The decision to grant planning permission has been taken having regard to National Planning policy Framework, the policies of The London Plan 2011, the Harrow Core Strategy and the policies of the Harrow Development Management Policies Local Plan (2013) (listed in the informative), as well as to all relevant material considerations including any responses to consultation.

INFORMATION

The application is reported to the Planning Committee because the floor area of the

proposed extension would be greater than 400m² and therefore the proposal falls outside of the scheme of delegation under Part 1, 1(d).

Statutory Return Type: Minor Development

Council Interest: None

Gross Floorspace: n/a

Net additional Floorspace: n/a

GLA Community Infrastructure Levy (CIL) Contribution (provisional): Nil – as the development would be wholly for the provision of education.

Site Description

- The application site comprises Stanmore College, a further education establishment comprised of two to three storey buildings, located on the west side of Elm Park.
- The existing buildings on the site have a mixture of different materials. Brick and timber cladding have been utilised on the newer buildings, whilst cladding panels have been adopted on the older buildings.
- There are three main access points to the site. The main entrance to the college is sited on the northern section of the boundary fronting Elm Park. The other two access points are service access points and are located on Old Church Lane and the corner of Elm Park.
- Site levels rise from northeast to southeast.
- A mature tree belt surrounds the perimeter of the site which is protected by a Tree Preservation Order.
- The Old Church Lane Conservation area lies to the north west of the site.
- The subject application site relates to an area of 560sqm on the western side of the campus, adjacent to the Oak building and Larch building.
- The site is currently occupied by a single storey mobile building (Hawthorn mobile) and some external canopies attached to the Oak building which provides an external seating area.
- The area surrounding the college is residential, consisting of a mixture of two storey dwelling types and some four storey blocks of flats opposite the application site.

Proposal Details

- The application proposes construction of a three storey linked building to the west of the site, adjacent to old church lane to provide a gym and ancillary facilities at ground floor level and four additional teaching classrooms at first and second floor level; new non illuminated signage to front (western) elevation; hard and soft landscaping; provision of cycle storage, and boundary treatment; (demolition of existing single storey mobile building on western side of the site (hawthorn mobile building) and part demolition of single storey hall building and external canopies).
- The overall footprint of the three storey building would be 287sqm whilst the overall gross internal floorspace would be 834sqm.
- The building would have a maximum width of 24.4 metres and a maximum depth of 16.4 metres.
- The proposed building would be set back from the western boundary of the site between a distance of approximately 13 and 15 metres.
- The building would have a flat roof with a maximum height of 11 metres.
- The building would be linked to the adjacent oak building at ground floor level.
- The proposed three storey building would provide eight teaching classrooms, a gym and ancillary WCs, showers and a plant room.
- The external materials would consist of brick and timber cladding and powder coated

aluminium framed windows with integrated insulated coloured panels.

- Stainless steel signage would be added to the front (western) elevation.
- Hard and soft landscaping is proposed including the provision of additional hard surfacing around the perimeter of the building, a new ramp; retain wall and fencing and additional tree planting around the boundary of the site.
- Secure fold fencing would be installed adjacent to the external space at the rear of the building to a height of 2.4 metres.
- A cycle store will be provided adjacent to the building for 16 bikes.
- A canopy would be constructed over the main front entrance with a width of 2.6 metres and a depth of 3.6 metres.

Relevant History

EAST/406/98/FUL Single storey extension at entrance
Granted 16.06.1998

EAST/36/99/FUL Single storey extension at entrance (revised)
Granted 10.03.1999

EAST/377/01/FUL Addition of lift & alterations to external stairs
Granted 24.05.2001

P/1829/03/CFU Two storey front extensions in the form of three linked pavilions
Granted 19-Jan -2004

P/622/04/CFU Removal of 3 temporary buildings and replacement with single temporary building to provide 5 teaching rooms.
Granted 24.05.2013

P/474/05/DFU Replacement of 'beech' building with 2 storey theatre workshop
Granted 19.04.2005

P/233/09 Retention of ground floor temporary classroom building with addition of first floor classroom temporary extension (18 months)
Granted 29.01.2010

P/0854/10 Demolition of caretakers house; construction of two storey building containing four classrooms and ancillary accommodation
Granted 20.07.2013

P/0981/11 Retention of two storey temporary classroom building (18 months)
Granted 20.07.2011

P/0210/12 First floor extension to southern end of elm building incorporating workshop space beneath extension; proposed external works to elm building to include: new access ramp to existing staff/ student entrance; raised platform and steps with canopy on western elevation; formation of new visitor entrance including new staircase, timber portal and canopy; new cladding and canopy to lift shaft; installation of metallic skin to part of eastern and western elevations; part new glazing; and proposed hard surfacing and external seating area.
Granted 21.05.2012

P/0413/12 Permanent retention of two storey classroom building (spruce building) fronting elm park including air condenser units located on the rear (east) elevation); proposed platform lift to front (west) elevation of building
Refused 08.11.2012

P/0439/13 Retention of two storey building (spruce building) fronting elm park for a period of 36 months (revised description)
Granted 12.07.2013

Pre-Application Discussion (Summary)

- There is a concern with the piecemeal approach of the development of the site and it is considered that there may be a better solution for the college if the site is looked at more comprehensively.
- The numbers of planning applications submitted in recent years have only responded to the immediate requirements of the college and have not addressed the overall issues of the site.
- There are a number of temporary structures across the site and a better understanding of how it is proposed to remove these structures and provide permanent, better quality accommodation is required.
- There are also concerns with regard to the siting of the building, in particular the proximity to the boundary of the site and its impact on the existing protected mature tree line. It is considered that sufficient setting space should be provided about the building to ensure that it has an acceptable street scene impact.
- Any future application would need to be supported by a full arboricultural report to demonstrate that there would be no adverse impact on the trees along the western boundary.

Applicant Submission Documents

✓ Planning Statement and Design and Access Statement (Summary)

- The college's objective is to provide permanent improved accommodation to replace temporary buildings thus creating more open space on the campus and enhance the current facilities.
- The college has commissioned a strategic plan for the site which establishes a long term goal to concentrate the campus around a central courtyard hub. Over a number of phases, the temporary buildings will be removed and permanent extensions built. Ultimately the campus will have improved buildings and external social and sports facilities.
- The open space on the site is limited and the position of the new building will be constructed on developed land on the side avoiding the construction of green space. The location of the building will improve links to existing campus buildings and facilities.
- The mobile units have addressed the immediate accommodation needs of the college but are isolated from the main buildings and primary circulation routes meaning access for students is awkward.
- The mobile units are not sustainable and perform poorly in terms of energy use.
- The proposal will create permanent high quality social and teaching space replacing poor quality, badly located temporary buildings.
- The combination of massing, design and planting result in a positive contribution to the streetscape on Old Church Lane.
- The college is dedicated to achieving a BREEAM rating of excellent for the new building.

- Stanmore College has consulted on the new Hawthorn building by holding a community consultation evening. Most comments received were concerned with the potential increase in the number of students and the resultant increase in congestion on the surrounding roads. It is not proposed to increase student numbers as part of this application.
- ∇ Noise Survey
- ∇ Travel Plan
- ∇ Flood Risk Assessment
- ∇ Arboricultural Report
- ∇ Strategic Masterplan

Consultations:

Highways Authority: There are no specific concerns with the proposed gym and additional classroom facilities as the established college travel plan should capture/offset any additional marginal activity linked with the proposals. This anticipated low level of associated 'raised' activity is reinforced by the absence in the increase in staff numbers and it is acknowledged that the surrounding parking controls should act as a moderate deterrent to additional private car trips resulting from any marginal variation in site activity. The raised level of cycle provision from 12 to 28 spaces is welcomed and conforms to London Plan 2011 standards.

Drainage Engineer: Conditions are recommended in respect of disposal of surface water and sewage as well as surface water attenuation works.

Environment Agency: The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. However, as the application is less than one hectare we have no comments.

Arboricultural Officer: The development is acceptable, provided it is carried out in accordance with the Arboricultural Assessment.

Conservation Officer: The proposal would not affect the setting of the adjacent conservation area.

Advertisement

Press advert: Character and Appearance of the Conservation Area Expiry: 01.08.2013

Site Notices: Character and Appearance of Conservation Area Expiry: 05.08.2013

Notifications

Sent: 93

Replies: 1

Expiry: 23.07.2013

Addresses Consulted

- Caretakers Bungalow, Stanmore College
- 1, 2, Bernays Close
- 1 to 65 (odd) The Seasons, September Way
- 2, 4, 6, September Way
- Garages rear of 1 to 71, September Way

- 14 to 32 (even) Ridgeway Court, The Ridgeway
- 8, 9, 14, 15, 16, Manor House Estate , Old Church Lane
- 14 to 32 (even) The Ridgeway
- 1, 1a, 3, 11 The Ridgeway
- 73 to 87 (odd) Elm Park
- 80 to 86 (even) Elm Park
- 43, 45, 49 Old Church Lane

Summary of Responses

- Additional teaching capacity at the site will mean even more students and more noise and disturbance for residents and loss to their residential amenities.
- The site is being overdeveloped.
- There will be more traffic on the adjacent roads which are minor residential roads and not designed to accommodate the volume of cars created by college students. Elm Park and Nelson Road will become more congested.

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], and the Harrow Development Management Policies Local Plan 2013 [DMP].

MAIN CONSIDERATIONS

Principle of the Development
 Character and Appearance of the Area
 Residential Amenity
 Traffic and Parking
 Development and Flood Risk
 Accessibility
 Sustainability
 Trees and Development
 S17 Crime & Disorder Act
 Equalities and Human Rights
 Consultation Responses

Principle of the Development

Core policy CS1 of the Harrow Core Strategy (2012) states that: "The development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing and proposed development, or required to meet projected future requirements." In addition, policy 3.18 of The London Plan (2011) seeks to ensure inter alia that development proposals which enhance education and skills provision are supported.

Policy DM 46 of the Harrow Development Management Policies Local Plan (2013) states that *“proposals for the provision of new community sport and educational facilities will be supported where they (a) are located within the community that they are intended to serve; (b) subject to (a) they are safe and located in an area of good public transport accessibility or in town centres; and (c) where there would be no adverse impact in residential amenity or highway safety.”* Policy DM 47 of the Harrow Development Management Policies Local Plan (2013) outlines that proposals for the re-development of community or educational facilities that secure enhanced re-provision on the site will be supported.

The educational use of this site is long established and there is no objection in principle to the extension of existing educational facilities. The college has developed a long term strategic master plan for the site with the objective to provide permanent improved accommodation to replace temporary buildings.

It is acknowledged that there are a number of issues with the current layout of the site. The existing mobile units on the site (Hawthorn, Chestnut, Maple and Spruce) are isolated from the main buildings and primary circulation routes meaning access for students is convoluted. Furthermore, a number of the mobile units are in poor condition and perform poorly in terms of energy use. External space for students is very limited with no external sporting facilities, with the main focus of the campus being the central car park which divides the campus. The strategic master plan which accompanies the application indicates that the development of the site to provide a long term solution with permanent buildings and the removal of the temporary accommodation, would take place over four main phases of development. Over the next few years, the proposed intention is to concentrate the campus around a central courtyard hub with improved buildings and external social and sports spaces. Phases 1, 2 and 3 of the long term development solution would provide for new buildings to the west and the east of the campus as well as some internal refurbishment. This in turn would allow for the removal of the temporary accommodation on the site including Chestnut, Maple and the Spruce buildings. The subject application relates to phase 1 of the master plan to provide a new building on the western side of the campus and remove the existing temporary mobile structure sited in this part of the site.

The proposals are intended to be carried out over a number of years as funding becomes available and to enable the college to continue to function without interruption. However, it is considered that the strategic master plan provides a firm commitment to removing the temporary accommodation on the site, including the spruce building, and would provide an acceptable and much enhanced layout and accommodation. Overall, the master plan demonstrates that there would be a significant improvement in the layout of the existing site that would enhance education and skills provision to the benefit of the wider community

Given that the proposed building would result in improved and permanent accommodation on the site to a good sustainable design (BREAAAM excellent) and that there is no proposed increase to the numbers of staff and pupils on the site, it is considered that the proposal is acceptable in principle and the proposal would comply with policies CS1 B and Z of the Harrow Core Strategy, policy 3.18 of The London plan (2011) and policy DM 46 of the Harrow Development Management Policies Local Plan (2013). Detailed consideration of these and other policy requirements and material considerations is undertaken in the sections below.

Character and Appearance of the Area

The London Plan (2011) policies 7.4B and 7.6B set out the design principles that all boroughs should seek to ensure for all development proposals. The London Plan (2011) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. The London Plan (2011) policy 7.6B states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion composition, scale and orientation.

Core Policy CS(B) states that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design.'

Policy DM 1 A of the Local Development Management Policies Local Plan (2013) states that: "*All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance will be resisted*". It goes on to say that:

"The assessment of the design and layout of proposals will have regard to:

- a: the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers;*
- b: the appearance of proposed buildings, including but not limited to architectural inspiration, detailing, roof form, materials and colour, entrances, windows and the discreet accommodation of external services;*
- c: the context provided by neighbouring buildings and the local character and pattern of development;*
- d: the provision of appropriate space around buildings for setting and landscaping, as a resource for occupiers and to secure privacy and amenity;*
- e: the need to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit;"*

The existing site has a cluttered appearance with a haphazard arrangement of external canopies sited between the existing temporary mobile hawthorn building. As such, the removal of these structures and its replacement with the proposed three storey building and external landscaped social space will result in much improved use of the surrounding space within a constrained site.

The building would be set back between approximately 13 and 15 metres from the public highway. Having regard to the existing dense tree screening along the western boundary of the site, the building would not appear overly prominent in the public realm along Old Church Lane. There would be limited views from the southern side of Old Church Lane and from opposite the application site due to the presence of tree screening and it is proposed to enhance the western, southern and northern boundaries of the site with additional planting to further increase this. Overall, 24 new trees are proposed along these boundaries which would result in a significant reduction of views of the proposal on the surrounding street scene. Whilst, it is acknowledged that screening levels would be reduced in the winter months, the set back is considered to be sufficient to provide an appropriate landscaped buffer and setting space to the front of the building. In addition, the land levels slope downwards from Old Church Lane, thereby also reducing the impact

of the building. Whilst the building would be higher than the adjacent two storey Oak building to the rear it would be lower than the adjacent Larch building to the south and would give rise to an appropriate transition between the two buildings.

The proposed building is a modern design against the adjacent two storey 1960s Oak building and the adjacent three storey brick built larch building. It is considered that the juxtaposition between the old and the new building would be acceptable in this case, given that the existing adjacent college building is outdated and of limited architectural quality. The proposed building would enhance the appearance of the adjacent buildings and the western side of the campus and subject to the use of appropriate materials would liven up the character and appearance of this part of the site.

The plans indicate that a combination of brick and timber cladding would be used which is a similar approach used on other recent extensions developed on the site, including the recent extension to the Elm building. The college signage would be added to the front elevation of the building and the existing free standing signage removed, which would provide an improved identity of the site from the entrance along Old Church Lane. The Design and Access statement highlights that the college is committed to unifying the existing and proposed building stock as much as possible by restricting the palette of materials used. On this basis, it is considered that the proposal would result in an improvement to the quality of buildings on the site. Subject to a condition, requiring specific material samples to be submitted to the Local Planning Authority for further consideration, prior to the commencement of the development, the materials proposed are considered to be acceptable.

The other external alterations including the provision of new paving, a ramp, retaining walls, fencing and external canopy over the main front entrance of the building, are considered to be minor and would not have a detrimental impact on the character and appearance of the existing buildings or surrounding locality.

Policy DM 7 of the Harrow Development Management Policies Local Plan (2013) states that *“When assessing proposals affecting heritage assets, including non designated heritage assets, priority over other policies in the DPD will be afforded to the conservation of the assets affected and their setting as appropriate to the significance of the assets. Proposals that secure the preservation, conservation or enhancement of a heritage asset and its setting, or which secure opportunities for sustainable enjoyment of the historic environment, will be approved.”*

It goes onto say that *“the impact of proposals affecting heritage assets will be assessed having regard to: relevant issues of design, appearance and character including proportion, scale, height, massing, bulk, alignment, materials, historic fabric, use, features, location, relationship with adjacent assets, setting, layout, plan form and landscaping”* among other factors.

Having regard to the tree screening along the western boundary and the distance of approximately 60 metres from the Old Church Lane conservation area, it is considered that the proposed building would not result in an adverse impact on the character and appearance of this area. Furthermore, additional tree planting is also proposed along the north boundary of the site to obscure views of the development from within the conservation area. The application has been referred to the Conservation Officer who has not objected to the proposal.

Overall, it is considered that the proposed development is a well considered design that, having regard to the site constraints, would make a positive contribution to the character of the area. The building would have an acceptable relationship with the adjacent surrounding buildings and street scene and subject to conditions on final materials and landscaping details, should successfully integrate into the surrounding suburban context. A high quality landscaped green buffer already exists on the boundary of the site and this would be further enhanced which would provide an attractive setting for the building and support biodiversity. Accordingly, the proposal is considered to comply with policies 7.4B and 7.6B of The London Plan (2011) core policy CS1 B of the Harrow Core Strategy (2012) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013)

Residential Amenity

Policy 7.6 of The London Plan (2011) states that “Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”.

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) states that *“All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted (c)”*.

The closest residential properties to the proposed building lie on the opposite side of Old Church Lane in September Way and are flats of four storeys in height. These flats are fairly well screened from Old Church Lane as a dense row of trees also occupies the western side of the public highway. The flats are at a lower level than Old Church Lane and are also located some 40 metres from the subject building. Having regard to these factors, it is considered that the proposal would not result in harm to the residential amenities of these neighbouring occupiers in terms of loss of light, overshadowing, loss of outlook or privacy.

The closest property on the southern side of Old Church Lane (No. 43) is some 65 metres away, whilst the closest property along Elm Park would be over 80 metres away. These distances are considered to be sufficient to safeguard the residential amenities of these neighbouring occupiers.

The building is intended for college use only. It is noted that some concerns have been raised in respect of noise and disturbance from increased pupil numbers and associated traffic. However, there is no proposed increase in the number of students on the site and as such there would be no intensification of the existing site.

A noise report accompanies the application which concludes that as the development is replacing existing temporary classrooms, will not result in an increase in pupil numbers and does not contain any facilities which generate high noise levels, there will no potential for noise impact. Noise levels of additional mechanical services plant, can be controlled by a condition which is recommended.

Overall, it is considered that the proposal would be acceptable in terms of policy 7.6 (B) of The London Plan (2011) and saved policy EP25 of the Harrow Unitary Development Plan (2004).

Traffic and Parking

The London Plan (2011) policies 6.3, 6.9, 6.10 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. Policy DM 42 of the Harrow Development Management Policies Local Plan (2013) seeks to manage parking for new development and encourage a modal shift away from private car use.

As stated above, the proposed development would not amount to any increase in student or staff numbers on the site and therefore there would be no intensified use of the site. The application is accompanied by an up to date travel plan. The travel plan represents a firm commitment to ensuring the campus is accessible to all and to encourage a shift away from private car use with a target aim of 10% reduction over the next five years. The college travel plan is established and as such the proposed gym and additional classroom facilities should capture/offset any additional marginal activity linked with the proposals. This anticipated low level of associated 'raised' activity is reinforced by the absence in the increase in staff numbers and it is acknowledged that the surrounding parking controls should act as a moderate deterrent to additional private car trips resulting from any marginal variation in site activity.

It is proposed to increase the level of cycle provision from 12 to 28 spaces which is acceptable and conforms to London Plan 2011 standards.

The Council's Highway Authority has raised no objection to the proposed development. Accordingly, it is considered that the proposed development would not give to any conflict with the objectives set out under policies 6.3, 6.9, 6.10 and 6.13 of The London plan (2011) and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

Development and Flood Risk

Policies 5.12, 5.13 and 5.14 and policy CS1 U of the Harrow Core Strategy seeks to increase the resilience to flood events and reduce flood risk on and off the site.

Policy DM 10 of the Harrow Development Management Policies Local Plan outlines that:
"Proposals for new development will be required to make provision for the installation and management of measures for the efficient use of mains water and for the control and reduction of surface water run off."

The subject site and land surrounding the site is located within flood zone 1 and such the site is at very low risk of potential sources of flooding. There is no proposed increase in impermeable area as a result of the proposed development. It is intended to install below ground surface water attenuation tanks in order to reduce rainwater run off which will deliver a significant improvement to the site. The application has been referred to the Environment Agency and the Local Drainage Authority who have not raised any objections in relation to the proposal. Conditions are recommended in respect of surface water attenuation and storage works to ensure the development would accord with policy DM 10.

Subject to these conditions, the development is considered to comply with London Plan (2011) policies 5.12, 5.13 and 5.14, policy CS1 U of the Harrow Core Strategy and policy DM 10 of the Harrow DMPLP (2013).

Accessibility

The London Plan (2011) requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy 7.2. Policy DM 2 of the Harrow Development Management Policies Local Plan (2013) outlines that “*non residential development must be accessible to all*”.

An access ramp would be provided adjacent to northern side of the building to provide level access to the main front entrance. There would be level accesses to all other entrances of the new building which would have assisted opening mechanisms. The internal corridor widths would all be 2 metres wide. A wheelchair accessible WC would be provide on the ground floor. A platform lift is proposed to gain access between the first and second floors of the building which would comply with the SPD: Access for All (2006). It is considered that the layout of the building would enable adequate circulation for persons with disabilities and would be acceptable in relation to London Plan (2011) policies 3.1 and 7.2 and saved policy DM 2 of the Harrow Development Management Policies Local Plan (2013).

Sustainability

London Plan policy 5.2 ‘Minimising Carbon Dioxide Emissions’ defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the ‘lean, clean, green’ approach, which is expanded in London Plan policies 5.3 to 5.11. Policy 5.2 of the London Plan (2011) seeks to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions and subsequently states that ‘major development proposals should include a detailed energy assessment to demonstrate how targets for CO₂ emissions are to be met. Harrow Council’s Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

The Environment and Sustainability statement submitted as part of the planning application indicates the development can achieve BREAAAM standard of ‘excellent’ for the proposed development. It is therefore recommended that a planning condition demonstrating compliance with BREAAAM standard of ‘excellent’ is submitted prior to occupation of development. The layout and design of the building has been designed to provide natural ventilation and daylight requirements as part of the passive approach to a sustainable construction. The fabric of the building is intended to achieve low u values by proposing a high thermal mass construction and high level of insulation. The existing boiler plant that is sited to the north of the existing mobile building provides the district heating system to the college. This will be removed and replaced with a new CHP plant.

Achieving a BREAAAM standard of ‘excellent’ will clearly mean the development will be of high quality sustainable design and construction. Consequently the proposal is considered to comply with policy 5.3, core policy CS1 T of the Harrow Core Strategy and policy DM 12 of the Harrow Development Management Policies Local Plan (2013) and the Councils adopted SPD Sustainable Building Design.

Policy 5.11 of the London Plan (2011) seeks to ensure development proposals provide site planting in order to increase biodiversity, for sustainable urban drainage and improve the character and appearance of the area. The overall landscaping of the site will be enhanced and diversified and will make a positive contribution to the character of the area in accordance with policy 5.11.

Trees and Development

Policy 7.21B of The London Plan (2011) states that “Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of ‘right place, right tree’. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species”.

Policy DM 22 of the Development Management Policies Local Plan states that:

“B. Development proposals will be required to include hard and soft landscaping that:

a. Is appropriate to the character of the area;

b. Is well laid out in terms of access, car parking and the living conditions of future occupiers

and neighbours;

c. Achieves a suitable visual setting for the building(s);

d. Provides for sufficient space for new or existing trees and planting to grow; and

e. Supports biodiversity.”

“Proposals for works to trees in conservation areas and those the subject of tree preservation orders will be permitted where the works do not risk compromising the amenity value or survival of the tree.”

The applicant has provided an Arboricultural Assessment with the application. The report finds that the trees identified for retention are appropriately located in relation to the proposal and can be readily protected. The proposal would result in the loss of four trees to provide sufficient space for the building. However, the losses are restricted to trees with a limited safe life. An indicative tree planting plan has been submitted with the application which proposes that planting of 24 new trees which will provide additional screening, shelter and habitat. As such, it is considered that the loss of four trees on is clearly outweighed by the benefit of the additional planting to the southern, northern and western boundaries of the site. The application has been referred to the Arboricultural Officer who has raised no objection, provided that the development is undertaken in accordance with the recommendations of the arboricultural report.

Subject to a condition to ensure that the proposed development is carried out in accordance with the recommendations of the Arboricultural Report, including arboricultural supervision throughout the project, the proposed method statement and the ‘Tree Protection Plan’, it is considered that the proposed development is acceptable in relation to policy 7.21 of The London Plan (2011) and policy DM 22 of the Harrow Development Management Policies Local Plan (2013).

S17 Crime & Disorder Act

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

Equalities and Human Rights

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan

Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

Consultation Responses

Following site and press notices, and notification of surrounding residents, one letter of comment has been received. The concerns expressed that letter have been addressed where relevant in the corresponding sections of this report (above). In particular, the appraisal has noted that:

- There is no intended increase in the number of staff and students at the college and as such the development would not result in an increase in traffic or noise and disturbance.
- The proposal is the first phase of a comprehensive re-development of the site to provide improved facilities and remove dated temporary structures. It is therefore considered to that the proposal would not result in an overdevelopment of the site.

CONCLUSION

In summary, for all the reasons considered above, the proposal is considered to comply with the relevant policies listed. The proposal is considered to comply with the relevant education policies and would enhance the existing facilities on site. The proposal does not seek to increase student or staff numbers on site and as such the proposal would have no adverse impact on local residents or highway safety. Whilst it is noted that the proposed development would be modern in design, it is considered that the juxtaposition between the old and new would enhance the appearance of the existing building. As such, there would be no impact upon the character and appearance of the existing building or the locality. In conclusion this application is recommended for grant.

CONDITIONS

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

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

2 The development hereby permitted shall be carried out in accordance with the approved plans: Tree Survey and Impact Assessment (dated 19th April 2013) Ref: BA3908; Flood Risk Assessment (dated May 2013); Planning Statement and Design and Access Statement – Ref 1459-1.2-001; Stanmore College Travel Plan (dated May 2013); Noise Survey by Cole Jarman – Report 13/1610/R2; 1459-00-EL-00; 1459-00-GE-01; 1459-00-L0-01; 1459-00-ST-02; 1459-20-GE-00; 1459-20-GE-01; 1459-20-GE-02; 1459-20-ST-01; 1459-30-EL-01 Rev A; Stanmore College –Strategic Masterplan (dated 6th June 2013)

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

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

- a: all external materials for the buildings
- b: the ground surfacing
- c: the boundary treatment

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

REASON: To safeguard the character and appearance of the area, in accordance with

policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

4 The construction of the buildings 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, those to be lost and details of replacements. 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. The soft landscape works shall be carried out and retained in accordance with the approved details.

REASON: To safeguard the character and appearance of the area, and to enhance the appearance of the development, in accordance with policies DM 1 and DM 22 of the Harrow Development Management Policies Local Plan (2013).

5 The development hereby permitted, shall be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment and the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars under condition 4 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, in line with the requirements of Policy DM 22 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with saved Policies D4 and D9 of the Harrow Unitary Development Plan (2004).

7 No site works or development shall commence until final 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. The development shall be carried out in complete accordance with the approved details.

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, in accordance with policies DM 1 and DM 10 of the Harrow Development Management Policies Local Plan (2013).

8 The new buildings hereby permitted shall not be occupied until details of 16 cycle parking spaces on the site shall be submitted to and approved in writing by The Local Planning Authority. The cycle parking shall be implemented on site for the sole use of the development and shall be retained for the duration of the use on the site.

REASON: To ensure the satisfactory provision of safe cycle storage facilities, to provide facilities for all the users of the site and in the interests of highway safety, in accordance with policy 6.9B of The London Plan 2011 and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

9 Prior to the final occupation of the development a Sustainability Strategy, detailing the method of achievement of BREEAM 'excellent' (or successor) for the new school, which includes details of siting, design and noise levels of any equipment, the reduction of baseline CO₂ emissions by 20%, and mechanisms for independent post-construction assessment, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months (or other such period agreed in writing by the Local Planning Authority) of the first occupation of the final phase of the development a post construction assessment shall be undertaken demonstrating compliance with the approved Sustainability Strategy which thereafter shall be submitted to the Local Planning Authority for written approval.

REASON: To ensure the delivery of a sustainable development in accordance with Policies 5.2, 5.3, 5.7, 5.10 and 5.11 of The London Plan (2011), policy DM 12 of the Harrow Development Management Policies Local Plan (2013) and adopted Supplementary Planning Document Sustainable Building Design (2009).

10 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 in accordance with policy DM 1 Harrow Development Management Policies Local Plan (2013).

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

REASON: To ensure that adequate drainage facilities are provided in accordance with policy DM 10 of the Harrow Development Management Policies Local Plan (2013) and guidance set out in the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework 2012.

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with policy DM 10 of the Harrow Development Management Policies Local Plan (2013) and guidance set out in the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework 2012.

INFORMATIVES

1 The following policies are relevant to this decision:

National Planning Policy:

National Planning Policy Framework (2012)

The London Plan (2011):

3.16 – Protection and Enhancement of Social Infrastructure
3.18 – Education Facilities
5.2 – Minimising carbon dioxide emissions
5.3 – Sustainable design and construction
5.7 – Renewable Energy
5.10 – Urban Greening
5.11 – Green roofs and development site environs
5.12 – Flood risk management
5.13 – Sustainable Drainage
6.3 – Assessing effects of development on transport capacity
6.9 – Cycling
6.10 – Walking
6.13 – Parking
7.1 – Building London’s neighbourhoods and communities
7.2 – An inclusive environment
7.3 – Designing out crime
7.4 – Local character
7.5 - Public Realm
7.6 – Architecture
7.13 – Safety, security and resilience to emergency
7.15 – Reducing noise and enhancing soundscapes
7.19 – Biodiversity and Access to Nature
7.21 – Trees and Woodlands

Harrow Core Strategy (2012)

CS1: Overarching Principles

CS 7: Stanmore

Harrow Development Management Policies Local Plan (2013):

Policy DM 1 – Achieving a High Standard of Development
Policy DM 2 – Achieving Lifetime Neighbourhoods
Policy DM 7 – Heritage Assets
Policy DM 10 – On Site Water Management and Surface Water Attenuation
Policy DM 12 – Sustainable Design and Layout
Policy DM 14 – Renewable Energy Technology
Policy DM 20 – Protection of Biodiversity and Access to Nature
Policy DM 21 – Enhancement of Biodiversity and Access to Nature
Policy DM 22 – Trees and Landscaping
Policy DM 23 – Streetside Greenness and Forecourt Greenery
Policy DM 27 – Amenity Space
Policy DM 42 – Parking Standards
Policy DM 43 – Transport Assessments and Travel Plans
Policy DM 45 – Waste Management
Policy DM 46 – New Community Sport and Educational Facilities

Other Relevant Guidance:

Supplementary Planning Document Sustainable Building Design (2009)

Supplementary Planning Document: Access for All (2006)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

5 INFORM_PF1

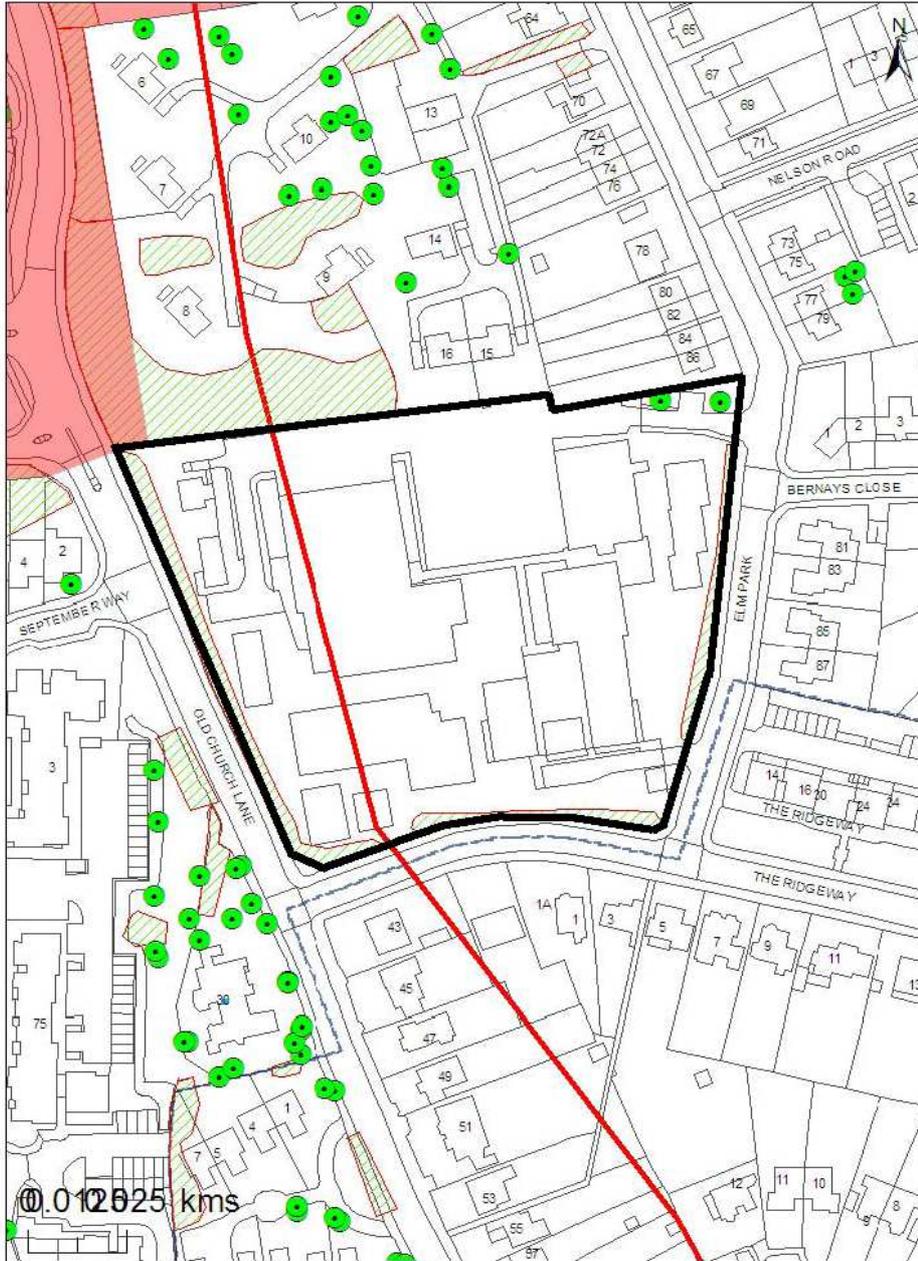
6 DUTY TO BE POSITIVE AND PROACTIVE

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

Plan Nos: Tree Survey and Impact Assessment (dated 19th April 2013) Ref: BA3908; Flood Risk Assessment (dated May 2013); Planning Statement and Design and Access Statement – Ref 1459-1.2-001; Stanmore College Travel Plan (dated May 2013); Noise Survey by Cole Jarman – Report 13/1610/R2; 1459-00-EL-00; 1459-00-GE-01; 1459-00-L0-01; 1459-00-ST-02; 1459-20-GE-00; 1459-20-GE-01; 1459-20-GE-02; 1459-20-ST-01; 1459-30-EL-01 Rev A; Stanmore College –Strategic Masterplan (dated 6th June 2013)

STANMORE COLLEGE, ELM PARK, STANMORE



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Item No. 2/03
Address: 293 – 295 STATION ROAD, HARROW
Reference: P/3294/12
Description USE OF FIRST AND SECOND FLOORS AS A HOUSE OF MULTIPLE OCCUPANCY (USE CLASS C4)
Ward: GREENHILL
Applicant: CRESTWAY LTD
Agent: E M PICK PLANNING
Case Officer: SUSHILA BHANDARI
Expiry Date: 26 JULY 2013

RECOMMENDATION

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

REASON

The proposed use of the upper floors of Nos.293 and 295 as a House in Multiple Occupancy would provide low cost accommodation within the town centre location and would meet the policy aspirations set out in The London Plan, the Harrow Core Strategy, the Development Management Policies Local Plan and the Harrow and Wealdstone Area Action Plan in seeking to increase housing supply within the intensification area. It is considered that the proposal would be a preferred option of development/ use for the site in comparison to the existing 13 self-contained flats which are of sub-standard quality. The proposal would have no impact upon the residential amenities of adjoining properties and it would have no impact upon the character and appearance of the area. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012, and the Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

INFORMATION:

This application is being reported to Planning Committee as the proposal is for the change of use to a house in multiple occupancy consisting of nine rooms, which falls outside the scheme of delegation under category 1(e), dated 29th May 2013.

Statutory Return Type: 13 Minor dwellings

Council Interest: None

Gross Proposed Internal Floorspace: 326.14 sqm

Net Additional Floorspace: 0sqm

GLA Community Infrastructure (CIL) Contribution: N/A as net additional floor area is less than 100sqm

Site Description

- The application site comprises the upper floors of Nos.293 and 295, which form part of two, three-storey terraced properties on the northwest side of Station Road in Harrow Metropolitan Centre
- The ground floor of the subject property is a retail shop, currently vacant
- The first and second floors of No. 293 Station Road were formerly storage/staff rooms associated with the ground floor use, although works to convert the property to residential use (as six self-contained studio flats) were completed in 2009.
- The first and second floors of No. 295 Station Road were formerly in residential use, and valued as a single unit for Council Tax purposes. Works to convert the property into seven self-contained studio flats were completed in 2009.
- A new shopfront and entrance to the upper floors from Station Road was provided in 2009
- Access to the flats from the rear roof terrace (accessed off Greenhill Way) has been retained.

Proposal Details

- The proposal seeks to convert the first and second floors of Nos.293 and 295 Station Road from the current unauthorised use as 13 self contained flats to a 9 room House in Multiple Occupation for up to 10 persons.
- Each room would have an en-suite bathroom and there would be access to a communal kitchen diner on each floor (2 in total).
- Each room would have a internal floor area of (excluding the en-suite bathroom):
 - Room 1 – 22.73 sqm
 - Room 2 – 18.18 sqm
 - Room 3 – 13.59 sqm
 - Room 4 – 13.79 sqm
 - Room 5 – 20.97 sqm
 - Room 6 – 24.56 sqm
 - Room 7 – 18.18 sqm
 - Room 8 – 16.36 sqm
 - Room 9 – 15.18 sqm

Relevant History

293 Station Road

HAR/7879

Change of use from residential to stock staff rooms

Granted: 3 July 1953

P/1699/09

Alteration to shop front involving the insertion of a new door to allow access to upper floors

Granted: 2 November 2009

P/2505/09

Change of use of first and second floor of 293 station road from business storage to six self-contained studio flats; conversion of first and second floors of 295 station road from house in multiple occupation to seven self-contained studio flats (retrospective); conversion of roof space to 5 bedroom multiple occupation flat; two rear dormers and five

rooflights on front roofslope.
Refused: 22 June 2010

Reasons for Refusal:

1 The proposed continued use of the first and second floors as 13 flats in conjunction with the additional flat at third floor level results in an over intensive use of the site which is detrimental to the residential amenities of existing and future occupiers of the site and neighbouring occupiers contrary to Planning Policy Statement 3, London Plan policies 3A.3, 3A.4, 3A.6 and 4B.1 and saved policy D4 of the Harrow Unitary Development Plan (2004).

2 The proposed rear dormers, by reason of poor design, would be visually intrusive and would detract from the appearance of the building, to the detriment of the character and appearance of the area, contrary to London Plan policy 4B.1, saved policy D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance, Extensions: A Householder's Guide (2008).

2 The proposal would fail to provide any affordable housing, contrary to policies 3A.8 to 3A.11 of the London Plan (2008).

3 The proposal, by reason of inadequate room sizes, poor layout and non-compliance with Lifetime Homes, would provide a cramped and substandard form of accommodation, to the detriment of the residential amenities of the occupiers of the site, contrary to London Plan policies 3A.5 and 3A.6, saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document, Accessible Homes (2010).

P/0318/12

Certificate of lawful development (proposed): change of use of first and second floor from shop storage in connection with the ground floor to one residential flat

Refused: 5 October 2012

Appeal Dismissed: 15 May 2013

Reason for Refusal:

1 The first and second floors of the building are not in use as shop storage (as depicted on the submitted plans), rather these floors are laid out as six self-contained flats. The proposed change of use to one residential flat could not therefore be implemented without intervening building operations which are not detailed in the application. The application has therefore failed to demonstrate that the proposed change of use would be lawful development.

295a Station Road

P/0317/12

Certificate of lawful development (proposed): change of use of first and second floor from house in multiple occupation to one residential flat

Refused: 5 October 2012

Appeal Dismissed: 15 May 2013

Reason for Refusal:

1 The first and second floors of the building are not in use as a house in multiple occupation (as depicted on the submitted plans), rather these floors are laid out as seven self-contained flats. The proposed change of use to one residential flat could not therefore be implemented without intervening building operations which are not detailed in the application. The application has therefore failed to demonstrate that the proposed

change of use would be lawful development.

Applicant Submission Documents

- Design and Access Statement:
 - Proposal to convert the first and second floors into a House in Multiple Occupation for 10 persons.
 - Lawful use of premises is shop storage on one part and HMO on the other part.
 - Currently the property is laid out as 13 studios, but this is subject to an enforcement notice and it is intended that this scheme would replace the existing.
 - The space standards for HMO'S are complied with.
 - Two bedrooms would accommodate two persons, and the other bedrooms would accommodate one person.
 - The scheme would be compatible with the existing surroundings, and be suitable to a town centre area.
 - In any case, one half of the area already possesses lawful use as an HMO.
 - All facilities will be to the requirements of the environmental health officers.

Consultations

Highway Authority (summarised as follows):

This proposal to convert 13 studio flats to an HMO containing 10 persons is not envisaged to intensify potential occupancy. The scenario provides for a car free development and is therefore not expected to measurably affect overall traffic generation to and from the site when viewed in the context of this zero parking on-site provision. This parking restraint and subsequent limited traffic generation is further supported by the fact that the address is located in an area heavily controlled by way of substantive on-street parking restrictions in the form of a CPZ and exhibits a very high PTAL. It is therefore likely that future occupiers may not be car owners as there is no available 'uncharged for' on-street space in the vicinity to accommodate such demand.

In summary there is no objection.

Harrow Environmental Health Team (summarised as follows):

Provided that any fire safety issues and amenity provision is in compliance with Building Regulations, as determined by Building Control Department then we have no further comments to make.

Advertisement: None

1st Notification

Sent: 18

Replies: 0

Expiry: 04/07/2013

Neighbours Consulted:

Station Road, 297-301

Station Road, 291, 291a, 291b,

Station Road, 295a and Flats 1 to 13

A second consultation period was conducted to correct the site address from 293 Station Road to 293-295 Station Road

2nd Notification

Sent: 18

Replies: 1

Expiry: 14 August 2013

Neighbours Consulted:

Station Road, 297-301

Station Road, 291, 291a, 291b,

Station Road, 295a and Flats 1 to 13

Summary of Responses:

1 Objection:

Should have not allowed the entrance of the building on the main road;

Can hear water down in the ground floor when somebody is taking a shower on 1st floor;

Have customers in shop and the entrance door is banging all the time when people coming out of the premises;

Object to the ideal of multiple occupancy next door to us;

There is no single shop on high street who has entrance in the front and the Council has spoiled the charm of high street.

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework (NPPF), which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

MAIN CONSIDERATIONS

Principle of Development

Character and Appearance of the Area

Residential Amenity and HMO

Highway Safety and Parking

Accessibility and Inclusivity

Equalities Implications

S17 Crime & Disorder Act

Consultation Responses

Principle of Development

National Planning Policy Framework (2012), The London Plan (2011), The Harrow Core Strategy (2012) and the recently adopted Development Management Policies Local Plan (2013) all seek to increase housing supply locally, regionally and nationally, and promote

the provision of high quality mix of housing.

The application site is located within the Harrow Metropolitan Town Centre and is identified as an intensification area as set out in the Harrow Core Strategy (2012) and The London Plan (2011). The detailed area plan is set out in the adopted Harrow and Wealdstone Area Action Plan (AAP) (2013) and therefore any redevelopment and changes of uses proposed within this area will be considered against the policies contained within AAP along side the recently adopted Development Management Policies Local Plan (DMP) (2013).

The application site falls within the sub area of Harrow Town Centre Central as set out in the AAP. However, it is not an allocated site.

As detailed above, the subject site was converted (without planning permission) into 13 self contained flats in 2009. The unauthorised use was subject to an enforcement notice which was subsequently quashed on appeal. The lawful use of the upper floors above No.293 is ancillary storage for the ground floor retail unit and the lawful use of the upper floors above No.295 is residential (single unit). The proposal seeks to modify the internal arrangement of the existing unauthorised flats to a House in Multiple Occupation (HMO). The rooms would be broadly single occupancy with two of the rooms offering double occupancy. In line with the policies set out above the principle to use the upper floors of No.293 and 295 for residential purposes is acceptable in this town centre location and would meet the policy aspirations set out in the AAP.

Character and Appearance of the Area

Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

Core Policy CS1.B specifies that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'

Policy DM1 of the DMP gives advice that "all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted. This is further supported by Policy AAP1 of the AAP.

The Council has adopted a Supplementary Planning Document (SPD) on Residential Design (2010), which gives design guidance and requires extensions to harmonise with the scale and architectural style of the original dwellinghouse. Substantial weight is accorded to the SPD as a material planning consideration.

The proposal would not involve any external alteration to the building itself and therefore there would be no impact upon the character and appearance of the existing building or the locality. The use of the upper floors for residential would be in keeping with the character of development within the Town Centre, where upper floor residential uses are a common place.

In conclusion, the proposal is considered to be acceptable and would be in accordance with the policies stated above.

Residential Amenity and HMO

Residential Amenity of Future Occupiers

Room Size and Layout

Policy DM1 of the DMP seeks to ensure that “proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted”.

Policy DM24 of the DMP will seek to secure appropriate mix of housing on site. Policy DM 30 of the DMP will require proposals for HMO’s to demonstrate that

- a. there is a good accessibility to local amenities and public transport;*
- b. they accord with Accessible Homes standard and provide satisfactory living conditions for the intended occupiers; and*
- c. there will be no adverse impact upon the amenity of occupiers of neighbouring properties or the character of the area.*

Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people’s needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA’s as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. This is supported by policy DM1 of the DMP and policy AAP13 of the AAP.

In addition, paragraph 59 of the National Planning Policy Framework (NPPF) (2012) states that “local planning authorities should consider using design codes where they could help deliver high quality outcomes”. In view of paragraph 59 of the NPPF and Policy 3.5C of The London Plan (2011), and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London’s Housing Supplementary Planning Guidance (SPG) (November 2012). As an SPG, this document does not set new policy. It contains guidance supplementary to The London Plan (2011) policies. While it does not have the same formal Development Plan status as these policies, it has been formally adopted by the Mayor as supplementary guidance under his powers under the Greater London Authority Act 1999 (as amended). Adoption followed a period of public consultation, and it is therefore a material consideration in drawing up Development Plan documents and in taking planning decisions.

The Mayor’s London Housing Strategy (LHS) focuses on affordable housing provision and highlights the importance of improving design quality, space standards and the design process to support this. Implementation of the LHS is informed by the London Housing Design Guide (LHDG). The LHDG applies only to publicly funded housing development and that on GLA owned land. Although it does not have formal status in the planning system, it can, in itself, be used more generally as best practice. It has informed the standards proposed in the London Plan for all housing tenures and guidance on their implementation for planning purposes set out in this SPG."

In assessing the standard of accommodation for the future occupiers of the site, having regard to the space standards, the individual rooms would all exceed the minimum room standards set out the Mayors SPG. There will be provision of a communal kitchen/ diner

area on each floor. The kitchen/diner on the first floor plan is shown to be 13.38m² which is a short of 1m² from the 14.4m² recommended in the Mayors Housing SPG. The kitchen/diner area on the second floor is shown to have a floor area of 13.92m², which is a shortfall of approximately 0.5m². It is considered that the shortfall in the floor area is not significant enough to warrant a refusal on such grounds and the shortfall in the communal area would be largely mitigated by the generous sized individual rooms. In this regard, the proposal would meet the objectives set out under policy 3.5C of The London Plan, policy DM 30 (sub-section b) of the DMP, the Mayors Housing SPG and the Council's adopted SPD.

Layout and Stacking

Paragraph 4.55 of the Residential Design Guide SPD specifies that 'the vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Where possible, the horizontal arrangement of rooms between flats in a block should also avoid bedrooms adjoining neighbouring living rooms, kitchens and bathrooms, as well as communal areas such as halls and stairs'.

It has been demonstrated on the plans that the rooms in the proposed HMO would not result in any unacceptable stacking arrangements in terms of its vertical layout. In the regard, the proposal is considered to be acceptable in terms of the policies stated above.

Outdoor Amenity Space

It is noted that Policy DM27 of the DMP and paragraph 4.64 of the SPD requires that residential development should provide appropriate amenity space. In case of town centre locations, alternative forms of outdoor amenity such as balconies should be explored.

In this case, due to the site constraints, the proposal does not include any provision of external amenity space and the applicant is not proposing any external alterations. It is considered that the provision of balconies to provide an external amenity space would significantly alter the external appearance of the existing building which retains many of its original features. Given that the HMO would comprise either single or double bed occupancy rooms and therefore unlikely to be occupied by a family sized unit, and having regard to its town centre location with access to other forms of amenity, it is considered that a lack of external amenity space in this case is acceptable.

Refuse Storage

The proposal does not provide any information with regards to how the storage of waste and recycling materials would be achieved. However, there are bins located at the rear of the site, which is access by a rear service road. It is considered that the collection and storage of refuse and recycling waster would be no different to the present situation and as such there are no concerns with regards to this.

Impact on neighbouring properties

Under application P/2505/09 it was considered that the use of the upper floors as 13 flats together with the proposal to create an additional flat to be used a 5 bedroom HMO would result in the over-intensive use of the site. In the current proposal, the number of rooms proposed would be 9 and the maximum number of occupants would be 10. This would be reduction from the current number of rooms being 13. Whilst it is acknowledged that there would be some level of disturbance associated with the comings and going from the site, the level of disturbance associated with the numbers of people likely to occupy the site is unlikely to be greater than had the first floors of both Nos. 293 and 295 been in

occupation as two large, single unit flats with up to three bedrooms each. In this regard, it is considered that the level of activity and disturbance would not be unreasonable upon the attached neighbouring occupiers above No.291 Station Road. In relation to the upper floors of No.297-301 Station Road, this property is unattached to the subject site and therefore there would be no impact upon this property.

Highway Safety and Parking

Policies DM26 and DM42 of the DMP give advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

The application site does not have any provision for off street parking for the upper floors and as a result of this proposal it does not seek to provide any off-street parking. Given the town centre location and access to good level of public transport, the Council's Highway Authority raises no objection to the proposal on grounds of parking. On this basis, the proposal is considered to accord in regards to the policies stated above.

Accessibility and Inclusivity

Policy DM2 of the DMP and policies 3.5 and 3.8 of The London Plan (2011) seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.

Policy CS1.K of the Harrow Core Strategy requires all new dwellings to comply with the requirements of Lifetime Homes. Supplementary Planning Document *Accessible Homes* 2010 (SPD) outlines the necessary criteria for a 'Lifetime Home'

The application site forms part of the upper two floors of the building, which has its own independent access from the Station Road frontage. The site at present does not have level access to the upper floors and the internal staircase is unlikely to be suitable to accommodate a stair lift. Under the previous application P/2505/09 the proposal for the 13 flats and the 5 bedroom HMO was considered unacceptable as it did not meet Lifetime Homes Standards as the bathrooms were considered to be too small.

In this current proposal, the applicant is not seeking to make any structural changes to the existing bathrooms layouts, other than removing two bathrooms to two rooms in order to convert the rooms to a communal kitchen/ diner. Whilst it is noted that the existing use of the upper floors as 13 self-contained flats is an unauthorised use, the bathrooms in situ would not be altered from what is there are present and requiring the bathrooms to be altered to meet Lifetime Homes Standards for the current proposal as a HMO would be unreasonable, in terms of the structural alterations involved, the cost of such works and given that the upper floors are not accessible. On balance, given that the proposed HMO would be an improvement on the existing unauthorized use as 13 flats, the non-conformity to Lifetime Homes Standards under the exceptional circumstances listed above would not warrant a refusal on such grounds. In this regard, the proposal is considered to be acceptable.

Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

S17 Crime & Disorder Act 1998

Policies 7.3.B and 7.13.B of The London Plan, saved policy D4 of the UDP and emerging policy DM1 of the DM DPD require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal.

The entrance to the upper floor is from Station Road, which is a busy thoroughfare and is afforded natural surveillance from passer bys. In this regards the proposal is considered not to give rise to any conflict with regards to the above stated policies.

Consultation responses

With regards to the creation of the new entrance to the upper floors, this does not form part of this current application and was granted planning permission under ref: P/1699/09. The impact of the new entrance on the character and appearance of the area would have been fully considered under that application.

Whilst the comment regarding the noise emanating from the shower when it in use has been noted, the ground floor of No.291 is a commercial premises which is not located directly under the application site. Given the age of the buildings, there is likely to be some noise transference between the party walls. However, the proposal to use the upper floor as a HMO is unlikely to be any different to if the upper floors were in use as a single flat. Notwithstanding this, the impact on the patrons of the shop attributed by water sounds is unlikely to hold significant weight as it would be if it were a residential premise, given that use dynamics of the uses are different. The impact of the activity associated with the comings and going from the site have been addressed under section 3 of the above report.

CONCLUSION

The proposed use of the upper floors of Nos.293 and 295 as a House in Multiple Occupancy would provide low cost accommodation within the town centre location and would meet the policy aspirations set out in The London Plan, the Harrow Core Strategy, the Development Management Policies Local Plan and the Harrow and Wealdstone Area Action Plan in seeking to increase housing supply within the intensification area.

It is considered that the proposal would be a preferred option of development/ use for the site in comparison to the existing 13 self-contained flats which are off sub-standard quality. The proposal would have no impact upon the residential amenities of adjoining properties and it would have no impact upon the character and appearance of the area. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy 2012, and the Development Management Policies Local Plan 2013, as well as to all relevant material considerations including any responses to consultation.

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 number of occupants of the House in Multiple Occupation hereby permitted shall not exceed ten.

REASON: To ensure that the use of the property is not over intensive and in order to safeguard the amenity of neighbouring residents and the character of the locality in accordance with policy DM 1 of the Development Management Policies Local Plan 2013.

3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Design and Access Statement; Site Plan; SR35/1/A; SR35/2/A; SR35/3/A; SR35/4/A

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

INFORMATIVES:**1 INFORMATIVE:**

The following policies and documentation were taken into consideration:

National Planning Policy Framework (2012)

The London Plan (2011)

Policies 3.5B/C/, 3.8B, 6.9B, 6.13C, 7.2C, 7.3B, 7.4B, 7.6B

Harrow Core Strategy (2012)

Core Policy CS1B/I/K

Harrow Development Management Development Plan Document (2013)

Policies DM1, DM2, DM24, DM27, DM42

Harrow and Wealdstone Area Action Plan Development Plan Document (2013)

Policies AAP1, AAP4, AAP13

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Housing: Supplementary Planning Guidance (2012)

2 INFORM_PF2

Grant without pre-application advice

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

3 INFORMATIVE:

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

4 INFORMATIVE:

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

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

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

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

Also available for download from the CLG website:

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

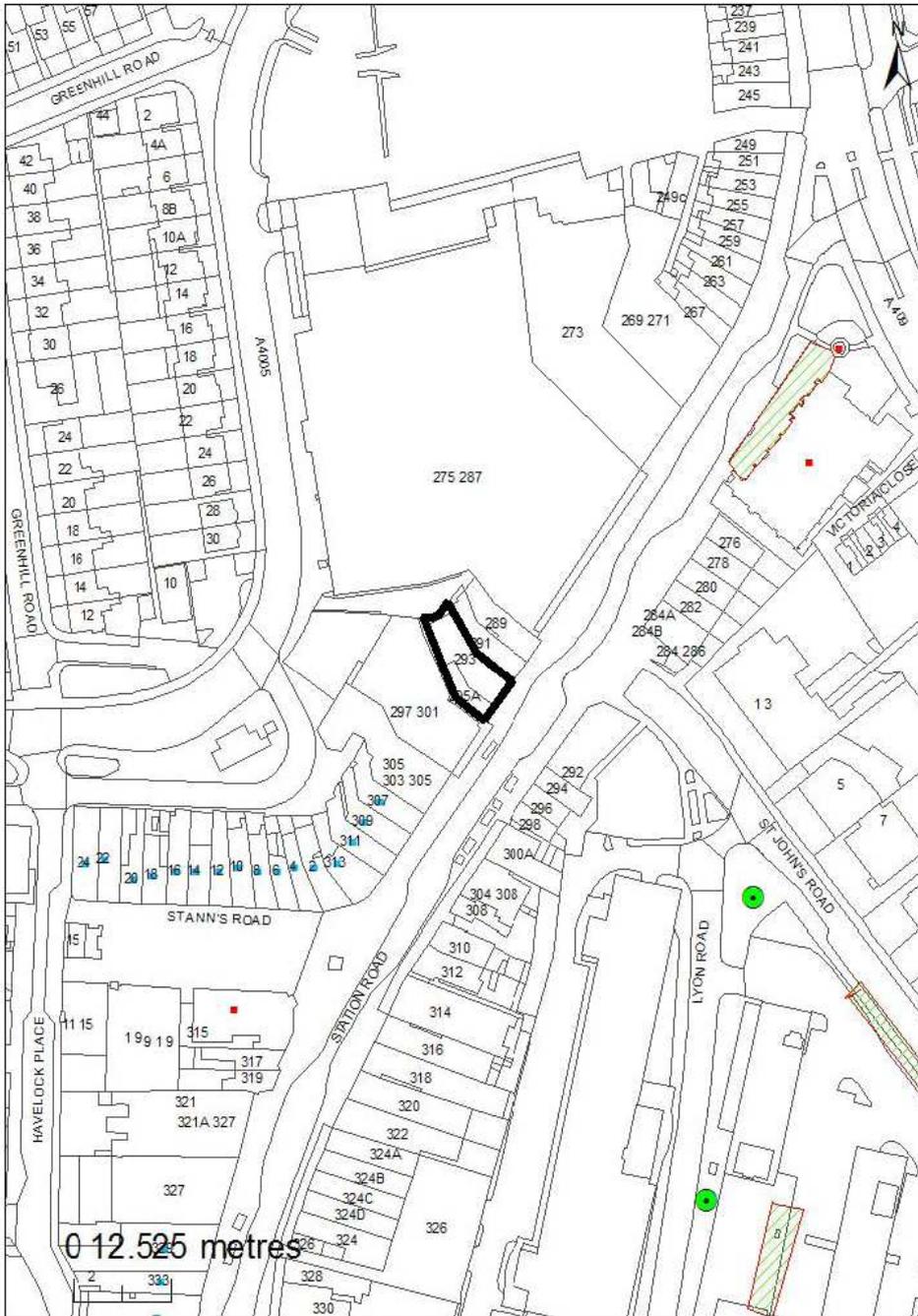
Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

Plan Nos: Design and Access Statement; Site Plan; SR35/1/A; SR35/2/A; SR35/3/A;
SR35/4/A

293-295 STATION ROAD, HARROW



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. London Borough of Harrow LA.100019206. 2011. DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2010)





Appeal Decisions

Inquiry held on 30 April 2013

Site visit made on 30 April 2013

by Sara Morgan LLB (Hons) MA Solicitor

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

Decision date: 15 May 2013

Appeal A: APP/M5450/C/12/2186043

293 Station Road Harrow HA1 2TA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Crestway Limited against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The Council's reference is ENF/0062/10/P/4645.
 - The notice was issued on 13 September 2012.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from retail premises to a mixed use as retail premises and seven self-contained residential units (*sui generis*).
 - The requirements of the notice are 1. Cease the unauthorised use of the land; and 2. Remove all but one (1) bathroom from the land. 3. Remove all but one (1) kitchen from the land. 4. Remove all internal partitions, fixtures and fittings that facilitate the unauthorised use. 5. Remove from the land all debris arising from compliance with the above steps.
 - The period for compliance with the requirements is six calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal B: APP/M5450/C/12/2186047

295 Station Road Harrow HA1 2TA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Crestway Limited against an enforcement notice issued by the Council of the London Borough of Harrow.
 - The Council's reference is ENF/0502/12/P/4646.
 - The notice was issued on 13 September 2012.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from a mixed use as a retail premises and a house in multiple occupation for three to six people (*sui generis*) to a mixed use as retail premises and six self-contained residential units (*sui generis*).
 - The requirements of the notice are: 1. Cease the unauthorised use of the land. 2. Remove all but two (2) bathrooms located on the first floor. 3. Remove all but one (1) kitchen located on the first floor. 4. Remove all internal partitions, fixtures and fittings that facilitate the unauthorised use. 5. Remove from the land all debris arising from compliance with the above steps.
 - The period for compliance with the requirements is six calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

www.planningportal.gov.uk/planninginspectorate

Appeal C: APP/M5450/X/12/2186869
293 Station Road Harrow HA1 2TA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Crestway Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0318/12/4657, dated 28 December 2011, was refused by notice dated 4 October 2012.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is use of first and second floors as a single residential flat. The premises have previously been used as ancillary shop storage in connection with the ground floor.
-

Appeal D: APP/M5450/X/12/2186871
295 Station Road Harrow HA1 2TA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Crestway Limited against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0317/12/4658, dated 28 December 2011, was refused by notice dated 5 October 2012.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is: "current first and second floors are an HMO of less than six people. Proposed to convert to a single flat".
-

Decisions

Appeal A: APP/M5450/C/12/2186043

1. The enforcement notice is quashed.

Appeal B: APP/M5450/C/12/2186047

2. The enforcement notice is quashed.

Appeal C: APP/M5450/X/12/2186869

3. The appeal is dismissed.

Appeal D: APP/M5450/X/12/2186871

4. The appeal is dismissed.

Application for costs

5. At the Inquiry an application for costs was made by Crestway Limited against the Council of the London Borough of Harrow. This application is the subject of a separate Decision.

Description of appeal premises

6. 293 and 295 Station Road are adjoining three-storey buildings in a terrace of properties in Harrow Metropolitan Centre. At ground floor level there is one
-

large single retail unit which occupies the ground floor of both 293 and 295. This was vacant at the time of my site visit. This unit is completely self-contained and separate from the upper floors of the two buildings.

7. The first and second floors of the buildings are divided into 13 separate self-contained residential units, seven on the upper floors of 293 and six on the upper floors of 295. The main access for all of these is via a staircase accessed from a door opening onto the pavement at the front of 293, and there is a corridor link between 293 and 295 at first floor level. Each of the residential units has its own small bathroom and kitchenette. As all of these units are designed for residential purposes, and contain the normal facilities for cooking, eating and sleeping associated with use as a dwelling house, each is in use as a "dwelling house" as described in paragraph 2.81 of Annex 2 to Circular 10/97.

Appeal A: APP/M5450/C/12/2186043

The allegation

8. The allegation is of a material change of use of the land, which is the whole of 293 Station Road Harrow, from retail premises to "a mixed use as retail premises and seven self-contained residential units (sui generis)". However, from what I saw on the site¹, it is clear that this is not correct. The one single self-contained retail unit on the ground floors of 293 and 295 is physically and functionally separate from the rest of the two buildings, and thus comprises one separate planning unit whose use has not changed from retail.
9. The upper floors of 293 contain the seven self-contained residential units, each of which is physically and functionally separate from each other so that each comprises a separate planning unit. It also contains the communal corridors and stairs. There is no retail use of the upper floors of 293. Consequently, the allegation in the enforcement notice is incorrect as a matter of fact. In addition the reasons set out in the notice for issuing it are incorrect in referring to the 10-year time limit for taking enforcement action, whereas the correct time limit for taking action against the self-contained residential units is four years.
10. The appellants have not appealed this enforcement notice on ground (b). However, it is important that the allegation in the notice is correct, so that the appeal on grounds (f) and (g) can be assessed against the correct breach. In this case, the allegation should identify as the breach of planning control the change of use of the first and second floors of 293 to seven self-contained residential units. The Council is not attacking the retail use of the ground floor, and so there is no need to include it in the notice.
11. I have the power, under section 176(1) of the 1990 Act, to correct the enforcement notice, if I am satisfied that the correction will not cause injustice to the appellants or to the Council. Although the enforcement notice refers to the wrong time limit for taking enforcement action, the appellants have not argued that they would have pursued a ground (d) appeal, and it is clear from the evidence that the unauthorised change of use took place within four years before the issue of the enforcement notice.
12. However, in this case the appellants did not lodge an appeal under ground (a). Consequently, if the notice were to be corrected they would not be able in

¹ The evidence was that the layout of the properties had not changed between the date of issue of the enforcement notices and the date of the site visit.

these proceedings to seek planning permission for the breach of planning control as corrected. Furthermore, the Council could decline to determine any application for planning permission for that development under section 70C of the 1990 Act. The appellants could, therefore, be left with no opportunity to seek planning permission for the unauthorised development as properly described. For this reason, if the enforcement notice were to be upheld as corrected, there would be injustice to the appellants.

Conclusions

13. For the reasons given above I conclude that the enforcement notice does not specify with sufficient clarity and accuracy the alleged breach of planning control. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act as amended since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed. In these circumstances the appeal under grounds (f) and (g) as set out in section 174(2) of the 1990 Act as amended do not fall to be considered.

Appeal B: APP/M5450/C/12/2186047

The appeal on ground (b)

14. The situation with regard to 295 Station Road is exactly the same as in the case of 293. There is no mixed use of retail and residential in the building: the ground floor forms part of a separate planning unit with the ground floor of 293; the upper floors are in use as six self-contained residential units. The allegation in the enforcement notice is incorrect. If the notice were to be corrected and upheld, injustice would be caused to the appellants for the same reason. However, the appellants have also in this case made an appeal under ground (c), and I will therefore go on to consider that ground of appeal, on the basis of an allegation of a change of use of the first and second floors of the property from use as a house in multiple occupation to use as six self-contained residential units.

The appeal on ground (c)

15. The burden of proving relevant facts in this ground of appeal rests with the appellants, and the test of the evidence is the balance of probability. There is no dispute that the lawful use of the upper floors of 295 is as a house in multiple occupation. The appellants argue that although there has been a change of use from house in multiple occupation to use as six self-contained residential units, that change is not material.
16. Mr Pick, who gave evidence on behalf of the appellants, stated in his written evidence that the lawful use of the upper floors of 295 was as a house in multiple occupation, a Class C4 use.² However, in his oral evidence he could not give any information from his own personal knowledge as to how the upper floors had actually been occupied when it was a house in multiple occupation. He said that, applying the Council's standards, it would not be possible to accommodate more than six people in the property if it was used as a house in multiple occupation. But the Council's evidence was that the property had not been registered with the Council when it was in use as a house in multiple

² Town and Country Planning (Use Classes) Order 1987, as amended, Part C of the Schedule, Class C4: Use of a dwellinghouse by not more than six residents as a "house in multiple occupation".

occupation. Furthermore, despite the reference in the allegation to the previous use being a mixed use as a retail premises and "a house in multiple occupation for three to six people" there is no evidence at all as to how many people occupied the property before the conversion to flats. Nor is there any evidence that the lawful use fell within Class C4, and bearing in mind that the description of a Class C4 use is "Use of a dwelling house..." there is no evidence that the upper floors of the property have ever comprised "a dwelling house".

17. The change of use from house in multiple occupation to separate self-contained residential units would only amount to a breach of planning control if the change of use was *material*. It is clear, from the previous appeal decisions referred to by Mr Pick in his evidence, relating to 28 Mornington Crescent London and 11 Charlotte Place London, that it would be possible for such a change to take place without being material. However, whether or not such a change would be material is a matter of fact and degree, depending on the facts of the particular case.
18. In both of the appeal decisions referred to by Mr Pick, the Inspector was provided with information about the previous use of the property, to allow a comparison to be made between the original use and the new use. In this case there is no information as to the previous use of the property as a house in multiple occupation which would allow a comparison to be made between the character of that use and the character of the use of the property as self-contained residential units. The burden of proof rests with the appellants to show that there has been no change in the character of the use, and they have failed to do that. Consequently, even if the notice were to be corrected, the ground (c) appeal would fail.

Appeal B - overall conclusions

19. For the reasons given above I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control. Furthermore, even on the basis of a corrected allegation, the appellants' appeal on ground (c) would not succeed. Consequently, it is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act as amended since injustice would be caused were I to do so and to uphold the notice as corrected. The enforcement notice is invalid and will be quashed. In these circumstances the appeal under grounds (f) and (g) as set out in section 174(2) of the 1990 Act as amended do not fall to be considered.

Appeal C: APP/M5450/X/12/2186869

20. The proposed use for which a certificate is sought is use of the first and second floors of the property as a single residential flat. The appellants argue that as the lawful use of the upper floors of this property are as shop storage in connection with the retail use of the ground floor, use as one residential flat would be permitted development by virtue of Article 3 of, and Schedule 2 Part 3 Class F to, the Town and Country Planning (General Permitted Development) Order 1995 as amended (GPDO). The relevant date for assessing the lawfulness of the proposed use is the date of the application (28 December 2011), and the burden of proving relevant facts rests with the appellants, on the balance of probability.

21. It is not disputed that the lawful use of the first and second floors is retail. Consequently, there is no doubt that if the property were in retail use at the time of the application, Part 3 Class F would permit the change of the upper floors of 293 to one flat.³ However, in this case, the actual use of the first and second floors is as self-contained residential units. The Council argues that consequently the GPDO does not permit the change of use to take place.
22. Article 3(5)(b), on which the Council relies, only explicitly disapplies the Schedule 2 permissions if, in the case of permission granted in connection with an existing use, that use is unlawful. Consequently, if the retail use was unlawful Class F would not apply. In this case, however, the crux of the appellants' case is that the existing use should be ignored because it is unlawful.
23. But if the use of the first and second floors of the property were changed to one flat, then the change of use that would have taken place would be a change of use from seven flats to one flat. It would not be a change of use from a use within Class A1. Consequently, it would not be permitted by Class F.
24. It is true that the outcome would be that the appellants could convert the property back to its lawful use, and then implement Class F rights, and that it might not appear appropriate at first sight to require the appellants to take such a roundabout course. However, there is nothing in the GPDO to indicate that in Part 3 "use" means "lawful use" and not "existing use". Indeed, if "use" in Part 3 means "lawful use" and not "existing use" Article 3(5)(b) would be unnecessary.
25. For these reasons I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of use of the first and second floors of 293 as a single residential flat was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Appeal D: APP/M5450/X/12/2186871

26. In this appeal the proposed use for which a certificate is sought is use of the first and second floors of 295 as a single flat. It is argued on behalf of the appellants that the proposed use would be permitted by virtue of permitted development rights in Schedule 2 Part 3 Class I of the GPDO. This permits a change of use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class C4 (houses in multiple occupation).
27. As already noted, there is no dispute that the lawful use of the first and second floors of the property is as a house in multiple occupation. However, Class C4 only applies to "use of a dwelling house by not more than six residents as a "house in multiple occupation"". As I have also noted above there is no evidence as to exactly how the upper floors of 295 were used when they comprised a house in multiple occupation, or whether they had ever formed a dwellinghouse.

³ Class F has subsequently been amended to permit a change of use of such premises to up to two flats. However, at the time of the application, it only permitted a change of use to a single flat.

28. There is no direct information as to how many people actually occupied the property. Mr Pick said he had been told by the appellants' surveyor that the figure of six occupiers had come from the Environmental Health Officer, but although Mr Livett, who gave evidence on the behalf of the Council, accepted that the upper floors had been used as a house in multiple occupation, he had no information as to the detail of the use, and he said that the property had not been registered with the Council.
29. In addition, similar considerations arise in this appeal as in Appeal C. The actual existing use of the upper floors of 295 is (and was at the date of the LDC application) as six self-contained residential units, and not as a house in multiple occupation. Consequently, at that date if the change of use had taken place it would have been a change from six residential units to one flat. Therefore it would not be permitted by Part 3 Class I.
30. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the use of the first and second floors of 295 as a single flat was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Sara Morgan

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr David Smith	Of Counsel, instructed by E. M. Pick Planning
He called	
Mr Eli Pick BSc(Hons), MRICS, BTP, MRTPI	E. M. Pick Planning

FOR THE LOCAL PLANNING AUTHORITY:

Ms Sian Webb	Planning Solicitor, London Borough of Harrow
She called	
Mr Gerard Livett BSc, LLB, MPhil	Deputy Team Leader, Planning Department, London Borough of Harrow

DOCUMENTS

- 1 Council's letters of notification and list of persons notified
- 2 Plan showing 293 Station Road edged in red
- 3 Plan showing 295 Station Road edged in red

Item No. 2/04
Address: 6 SITES AROUND BUSHEY
Reference: P/1462/13
Description: CONSTRUCTION OF POLE AND WIRE GATEWAYS AND STEEL POSTS TO FORM AN ERUV FOR BUSHEY
Ward: STANMORE PARK
Applicant: UNITED SYNAGOGUE
Agent: MR DANIEL ROSENFELDER
Case Officer: GERARD LIVETT
Expiry Date: 18 SEPTEMBER 2013

RECOMMENDATION

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

INFORMATION

This application is reported to Planning Committee as in the opinion of the Divisional Director of Planning it is likely to be of significant public interest and therefore falls outside of proviso E of the Scheme of Delegation.

Summary

Statutory Return Type: Minor Development
Green Belt
Council Interest: Highways land

Site Description

The application comprises 6 separate sites across the Borough, as set out below:
Please note the site numbers are as supplied by the applicant and form part of the sequence of the larger scheme which includes the development in Hertsmere Borough. These numbers are used for clarity and consistency.

- **Site 07** – Footway and Roadway at junction of Magpie Hall Road and Heathbourne Road

Residential area with large detached dwellinghouses.

One pole would be in Magpie Hall Road and the other at the apex of the junction with Heathbourne Road.

- **Site 08** – Footway on Heathbourne Road

Residential area on west side of road with woodland on east side. The poles would be either side of the entrance to 'Heathfield' on the western side of the highway.

- **Site 09** – Footway/highway at The Common

Residential in character, with detached houses on The Common and in proximity to the entrance to the Bentley Priory development

One pole would be to the east of the entrance to Heathfield Lodge on the north side of The Common and the other would be at the boundary of the Bentley Priory Site

- **Site 10** – Footway/highway on Common Road

North of the junction with Hive Road, residential area with detached dwellinghouses

One pole would be on the west side of Common Road, 43m from the front of Tanglewood Close House with the wire clipped to an existing lamppost on the west side of Common Road

- **Site 11** – Footway/highway at junction of Common Road and Hive Road

Residential in character, with The Kestrel Nursing Home and grounds on south side of Hive Road

There would be a pole on each side of Hive Road with the wire spanning the two poles.

- **Site 12** – Footway on Hove Road

Residential in character, with nursing home and grounds on south side of Hive Road

The poles would allow a wire to span the main entrance to the Kestrel Nursing Home.

Proposal Details

The formation of an Eruv around the Bushey area, which comprises 31 locations in total, with 25 locations in Hertsmere Borough and 6 in Harrow Borough.

The poles would be 73mm in diameter and would be 5.5m high with connecting thin wire to create a 'gateway'

The site-specific details are as follows:

Site 07 – One pole would be in Magpie Hall Road and the other at the apex of the junction with Heathbourne Road.

Site 08 – The poles would be either side of the entrance to 'Heathfield' on the western side of the highway.

Site 09 – One pole would be to the east of the entrance to Heathfield Lodge on the north side of The Common and the other would be at the boundary of the Bentley Priory Site

Site 10 – One pole would be on the west side of Common Road, 43m from the front of Tanglewood Close House with the wire clipped to an existing lamppost on the west side of Common Road

Site 11 – There would be a pole on each side of Hive Road with the wire spanning the two poles.

Site 12 – The poles would allow a wire to span the main entrance to the Kestrel Nursing Home

Relevant History

P/0405/09

Construction of pole and wire gateways and sections of gates/fencing to form an Eruv for Stanmore and Canons Park.

Granted : 30/06/2009

P/1689/10

Construction of pole and wire gateways and sections of gates/fencing to form an Eruv for Stanmore and Canons Park (revised to include sites comprising Hilltop Way/Fallowfield/Aylmer Close/Little Common, and Abercorn Road/Belmont Lane/ Oak Tree Close/Acorn Close/ Golf Close/Courtens Mews/Wolverton Road).

Granted : 30/11/2010

P/1298/11

Variation of conditions 2, 6 & 8 attached to planning permission P/1689/10 dated 30/11/2010 for:

'Construction of pole and wire gateways and sections of gates/fencing to form an Eruv for Stanmore and Canons Park (revised to include sites comprising Hilltop Way/Fallowfield/Aylmer Close/Little Common, and Abercorn Road/Belmont Lane/ Oak Tree Close/Acorn Close/ Golf Close/Courtens Mews/Wolverton Road).

to amend to the location / size / height / materials of the pole and wire gateways at the following 4 sites:

Site 26 - pedestrian access to Golf Club car park from Wolverton Road

Site 32 - Canons Park Station western side

Site 34 - Whitchurch Gardens

Site 36 - Montgomery Road / Whitchurch Lane

Granted : 06/10/2011

P/0266/13

Construction of pole and wire gateways and steel posts to form an Eruv for Belmont

Granted: 04/06/2013

P/1181/13

Consultation from neighbouring authority: Erection of 5.5M high supporting poles and linking wires associated with the creation of an Eruv (continuous boundary designated in accordance with Jewish law) in 25 locations around Bushey

No objection: 18 July 2013

Pre-Application Discussion

- None

Applicant Statement

- One of the fundamentals of Judaism is the observance of the Sabbath from sunset on Friday until nightfall on Saturday. Among the basic rules defining this observance is a prohibition of the use of any form of transport and, in addition, the carrying or moving of any object from a private domain other than within an enclosed area.
- The qualifying definition of an enclosure includes, in addition to walls or fences at least 1 metre in height, a structure technically known as a 'gateway', which to qualify needs to comprise no more than a thin wire spanning between the tops of two poles.
- The formation of an 'enclosure' of an area encompassing a large number of properties is of great benefit to Sabbath observant people, importantly non-ambulant persons like wheelchair users and babies in pushchairs.
- In recent years, an Eruv has been approved in NW London, Edgware, Stanmore and Borehamwood, and approved in Barnet, Mill Hill and Woodside Park, whilst others are being considered.
- The large majority of the 'enclosure' required utilises existing walls and fences as illustrated on the General Arrangement Plan.
- There unavoidably remain a number of locations where no existing enclosure exists, principally across roads and for which pairs of poles and a nylon fluorocarbon monofilament are proposed.
- The poles would have the narrowest possible diameter (73mm) and are generally painted light grey to conform to other street furniture. The wire spanning between the poles is less than 0.5mm fishing line, which is visually imperceptible.

- The height of the poles would be 5.5 metres being the preferred height to achieve clearance even for exceptionally overheight vehicles.
- The siting has been carefully considered to minimise visual impact and avoid trees.

Consultations:

Hertsmere Borough Council: No response received

London Underground: No response received

Highways Authority: No objections, a license would be required under the Highways Act post planning permission.

Advertisement:

General Notification

Expiry: 27-Aug-2013

Notifications:

Sent: 17

Replies: 50

Expiry: 20-AUG-13

Additional replies to be reported

Addresses Consulted:

- Site 07: County End, Belswood Cottage, Heathfield.
- Site 08: Heathfield, Little Heathfield.
- Site 09: Heriots Wood, Cedars Lodge, Heathfield Lodge, 1, 2, 3, 4 Alpine Walk, Little Heathfield.
- Site 10: Tanglewood Lodge, 1m 2m 3 Tanglewood Lodge, Tanglewood Close, Hive Corner
- Site 11: Kestrel Nursing Home, Hive Corner
- Site 12: Kestrel Nursing Home, Cottage 1, Cottage 2, Hive Road.

Summary of Response:

50 representations in support of the proposal have been received.

BACKGROUND INFORMATION

This application forms part of the proposal for an Eruv in Bushey that was submitted to Hertsmere Borough Council. The application covers more than one local planning authority area, and the Hertsmere reference number is TP/13/1281. The major part of the Eruv would be in Hertsmere, with poles in 25 locations in that borough.

Harrow Council raised no objection to that application.

The Hertsmere Planning Committee is due to determine the application on 15 August 2013, which is after this agenda has been prepared, and the decision will be reported to the Harrow Planning Committee Meeting.

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the

Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

Principle of Development

Ethnic and Community Development

Character and Appearance of the Area and Public Realm

Residential Amenity

Highway Safety

S17 Crime and Disorder Act

Equalities Statement

Consultation Responses

Principle of Development

The principle of the development is considered acceptable, as a similar scheme was approved in 2009 (and amended in 2010) to provide an Eruv for Stanmore and Canons Park. A further scheme was approved in 2013 for Belmont. Similar facilities exist in other areas of London and are established elements of the streetscene. Core Policy CS1Z supports the provision or expansion of community infrastructure. Detailed consideration of the visual and other impacts of the installations is undertaken in the below appraisal sections.

Ethnic and Community Development

The proposed creation of the Eruv involves the formation of a 'complete' boundary around a town or district that will allow the Jewish orthodox community to carry on the Jewish Sabbath by denoting the area of the Eruv as a single unified domain for the purposes of Jewish rabbinic observance. The day of the Jewish Sabbath is Friday evening until Saturday evening.

Amongst the restrictions accepted by the orthodox Jewish community are prohibitions on carrying objects from public spaces to private spaces and vice versa. The practical implications on these restrictions means that the mobility impaired (elderly, disabled and very young children) that rely on assisted mobility are not able to leave their homes (private space) without transgressing some of the restrictions of the Sabbath. This means that these people are house bound during the Sabbath and are unable to participate in social occasions, attend Synagogue or visit friends and family for one day of the week.

The proposal under consideration would provide part of an Eruv for Bushey, with the major part of the Eruv being in Hertsmere Borough, to enclose the Bushey Area. The vast majority of the boundary comprises existing garden and boundary fencing and the only gaps are where the Eruv route crosses public streets and footpaths. The proposals involve physical development to complete the gaps in the Eruv boundary, comprising the construction of two 5.5 metre high poles either side of the road with a thin connecting wire between.

Policy DM46 of the Development Management Policies Local Plan supports the provision of new community facilities where:

- a) They are located within the community they are intended to serve
- b) Subject to (a) they are safe and located in an area of good public transport accessibility or in town centres; and

c) There would be no adverse impact on residential amenity or highway safety.

The application does provide a new religious facility, albeit an unconventional one. The Eruv would enable members of the Jewish community living within its boundary to go about their normal business on days of the Sabbath, without being restricted to their homes. The benefits for the disabled, elderly and young children are particularly evident.

The physical development required to construct the Eruv is considered to be minimal and the proposed development is considered to comply with criteria a) and c) of policy DM46 as set out above. With regards to criterion a), the Bushey area contains a large Jewish community, with Bushey Synagogue having a membership of over 3,000. This is also evidenced by the support comments received, many from residents within the proposed Eruv boundary. Although the area of the Eruv does not have the high levels of public transport accessibility that exists in other Eruvs (such as Belmont), the individual sites of the Eruv poles are not destinations in and of themselves. It is considered that the proposal would not adversely affect neighbouring properties or visual amenity (discussed in more detail in appraisal sections 3 and 4), and the proposed structures would not adversely affect highway safety (discussed in more detail in appraisal section 5), in accordance with criterion c).

The principle of the development has been accepted by the grant of planning permission for the Stanmore and Canons Park and the Belmont Eruvs. It is considered that the proposed development would be of benefit to the local Jewish community and would have no unduly detrimental impacts upon the needs of different ethnic groups locally or elsewhere. In principle therefore, the proposed development is considered to be consistent with DMP policy DM46.

Character and Appearance of the Area and Public Realm

All six of the sites are located in the Metropolitan Green Belt.

The National Planning Policy Framework, under paragraph 79 states the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Policy 7.16 B of the London Plan (2011), Policy CS1F of the Harrow Core Strategy and policy DM16 of the Harrow Development Management Policies Local Plan (2013) support the Green Belt protection in the NPPF.

In this case, it is considered that the proposals for each of the sites represent the least harmful impact on the street scene in terms of the locations of the poles/posts, the size of the poles and the span of the wire gateways.

The proposed poles and posts, due to the slender diameter of the poles and their locations in areas with significant tree cover, would not have an impact on the openness in the Green Belt and would not, therefore, represent inappropriate development in the Green Belt.

It is noted that the poles are similar to other items of street furniture (such as telegraph poles and lampposts), but would increase street clutter. However, other examples of Eruvs in London have shown that these features are quickly assimilated into the street scene, as any other piece of street furniture would be. Individual site visits have

confirmed that the installations would be sited to minimise clutter with other objects and the poles would be as slender as possible. The size of the Eruv poles would be modest compared to the majority of existing street furniture and would be set back from the public highway so as to be as discreet and unobtrusive as possible. The wires would not be overly visible.

It is noted that when undertaking the installation of the Eruv poles (subject to separate Highways Licence), it is possible that the precise locations shown on the submitted drawings may be unsuitable due to the uncertainty about the location of underground utilities and services, which are only likely to become clear when works are underway at each site. It is therefore considered that a small tolerance of 500mm would be appropriate, to enable the poles to be re-sited close to their approved locations as necessary.

Overall the individual sites that make up the proposed Eruv are considered to represent minor development that would not result in adverse impact on their surroundings and would have a significant community benefit. The proposed development is therefore considered to comply with policies DM1 and DM16 of the UDP, London Plan policies 7.4B and 7.16B and Core Policy CS1B/F of the Harrow Core Strategy.

The submitted drawings indicate that the installations will be painted to harmonise with the surroundings of each site. Given that the finishes have been specified on the drawings, a standard condition requiring the development to be completed in accordance with the approved plans is considered sufficient to safeguard the character and appearance of the area.

In instances where excavation takes place within the crown spread of a tree, hand tools should be used and the Council's Tree Officer notified before any roots are severed. A condition is recommended accordingly. It is also considered necessary to impose a condition to ensure the installations are maintained in a clean and tidy condition.

Residential Amenity

The poles have been sited to minimise the impact on the outlook of residential occupiers, being sited between the boundaries of two properties where they are to the front. Given the size, nature and location of the poles it is considered that there would be no discernible impact on residential amenity, particularly when compared to existing lamp posts, street lights etc. The plans confirm that the poles would be sited at least 150mm from any private property boundary. On balance it is considered that any impact on residential amenity from the Eruv structures would be minimal.

Highway Safety

The gateways would be 5.5 metres in height. This height is considered acceptable, given the types of traffic using the highways and access roads that the gateways would span.

The poles would be no wider than 76mm in diameter and would be placed at the back of the footway. It is therefore considered that the impact on highway visibility would be minimal and would indeed be less than a typical streetlight installation, which is commonplace on all streets.

It is therefore considered that the proposed poles and wire gateways would not impede the free flow of highway traffic or pedestrian movement. Where development works are located on the public highway the applicant will need to obtain a license under the

Highways Act 1980 (s178) from the highways authority (Harrow) post planning permission.

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.

Equalities and Human Rights

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal and the impact of the proposal on ethnic groups is discussed in the appraisal section 2. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for an Equalities Impact Assessment.

Consultation Responses

Apart from the points raised in the above sections, other issues raised are:
None.

CONCLUSION

In summary, the proposal would facilitate the creation of an Eruv for the Bushey area, which would have an identified benefit to members of the local Jewish community and have no unduly detrimental impacts upon the wider community or the character and appearance of the area.

CONDITIONS

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

850_001; 850_07; 850_08; 850_09; 850_10; 850_11; 850_12 Rev A; 850_41; Design and Access Statement

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

3 Within the crown spread of trees (greater than 75cm in diameter at 1.5m off the ground) pole foundation excavations must be dug by hand and no tree roots over 25mm diameter shall be severed as a result of the development works without the prior written agreement of the Council's Tree Officer.

REASON: In the interests of tree protection and the character and appearance of the area, in line with policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (2013).

4 Any poles, posts or wires erected and any site used for the erection of the installations shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

REASON: To protect the character and appearance of the streetscene at each site, in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

INFORMATIVES

1 The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011): 7.3, 7.4, 7.6, 7.16

The Harrow Core Strategy (2012): Core Policies CS 1, CS 7

Development Management Policies Local Plan (2013): DM1, DM2, DM22, DM46

2 DUTY TO BE POSITIVE AND PROACTIVE

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

3 INFORMATIVE:

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

4 INFORMATIVE:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

5 INFORMATIVE:

The applicant is advised that no part of the development hereby permitted shall be begun

on highway land until written permission is obtained from the relevant Highways Authority.

Plan Nos: 850_001; 850_07; 850_08; 850_09; 850_10; 850_11; 850_12 Rev A; 850_41;
Design and Access Statement

Item No. 2/05
Address: TREVOSSE, 116 ROWLANDS AVENUE, HATCH END
Reference: P/1381/13
Description: TWO STOREY SIDE EXTENSION
Ward: HATCH END
Applicant: MR & MRS ATUL PATEL
Agent: SURENDRA
Case Officer: GERARD LIVETT
Expiry Date: 18 JULY 2013

RECOMMENDATION

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

INFORMATION: This application is being reported to committee as the applicant is a member of staff of the Council.

Statutory Return Type: Householder Development

Council Interest: None

Net additional Floorspace: 11.4 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): n/a

Site Description

- The subject site is rectangular shaped and located on the eastern side of Rowlands Avenue.
- A two-storey detached dwellinghouse is located within the front part of the site. This dwelling is of brick construction with a hipped, tile clad roof.
- Single storey side and rear extensions have been added to this dwellinghouse.
- The rear part of the site is occupied by a lawn covered rear garden. This garden has an approximate depth of 25 m and an approximate width of 10 m.
- The front garden is largely covered in lawn. A driveway along the southern boundary does however connect the internal garage in the dwellinghouse with road. A low brick wall demarcates the front boundary of the subject site.
- This area contains a predominance of detached dwellings of a similar size to the subject dwelling.

Proposal Details

- The application proposes a two-storey side extension.
- The two storey side extension is to follow the existing front building line of the garage set back from the main front elevation of the dwelling by 0.28 metres.
- It is to be approximately 5.5 metres in depth by 2.1 metres in width with a subordinate roof.

Revisions to Previous Application

- Following the previously refused application (P/1162/12) the following amendments have been made:
- The width of the two storey side extension is to be reduced by 0.6m
- Set back from front elevation reduced from 0.56m to 0.28m

Relevant History

HAR/19534

Detached house and garage

Granted – 30/07/1962

LBH/1427/1

Erection of single storey rear extension to lounge

Granted – 13/08/1971

LBH/43281

Single storey rear extensions

Granted - 15/08/1991

EAST/44232/92/FUL

Retention of single storey rear and side extensions.

Granted – 13/02/1992

P/0031/12

Two storey front and first floor/ two storey side extension

Refuse- 02/03/2012

Reasons for Refusal:

1. The proposed two storey front extension, by reason of excessive forward projection and unsatisfactory design, would be unduly obtrusive in the street scene, to the detriment of the character and appearance of the dwellinghouse and the area, contrary to Policies 7.4B and 7.6B of The London Plan (2011), Core Policy CS1B of the Harrow Core Strategy (2012), saved Policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).
2. The proposed first floor side extension, by reason of excessive bulk and depth, would be unduly obtrusive and give rise to an unreasonable sense of enclosure to the adjoining residents at 114 Rowlands Avenue, and would thereby be detrimental to their visual and residential amenities, contrary to Policy 7.6B of The London Plan (2011), saved policy D5 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

P/1162/12 – Two storey side extension

Refused – 11-Nov-1012

Appeal dismissed – 11-Apr-2013

Reason for Refusal:

1 The proposed two storey side extension, by reason of its siting close to the common boundary with No.114 Rowland Avenue, would give rise to a development which would not respect the spatial setting of the existing detached dwellinghouse, to the detriment of the character and appearance of the existing dwellinghouse and the locality, contrary to policy 7.4B of The London Plan (2011), core policy CS 1B of the Harrow Core Strategy (2012), saved policy D4 of the Harrow Unitary Development Plan (2004) and the adopted Supplementary Planning Document: Residential Design Guide (2010).

Formal Pre-Application Discussion

- No formal pre-application advice has been sought.

Applicant Submission Documents

- None

Consultations

- Hatch End Association: No response received

Advertisement

- None

First Notifications

Sent: 3

Replies: 0

Expiry: 19-Jun-2013

Second Notification (revised plans)

Sent: 3

Replies: 0

Expiry: 12-Aug-2013

Neighbours consulted:

114 Rowlands Avenue, Wings, 118 Rowlands Avenue

1 Highbanks Road

Summary of Responses

- None

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

The NPPF has been in place for 12 months since the 27th March 2012. Therefore, as stated at para 214, the period in which decision takers can continue to give full weight to policies adopted since 2004, but before the NPPF came into force, will be at an end. Para 215 states that 'following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

Whilst Harrow's Core Strategy was adopted one month before the NPPF came into force, it was subject to a consultation on its conformity with the draft NPPF, and the Inspector's report concludes that the Core Strategy is in conformity with the NPPF.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

Character and Appearance of the Area

Residential Amenity

Traffic and Parking

Equalities Statement

S17 Crime & Disorder Act

Consultation Responses

Character and Appearance of the Area

The London Plan policies 7.4B and 7.6B, core policy CS 1B of the Core Strategy, policy DM1 of the Harrow Development Management Policies Local Plan and the adopted Residential Design SPD require all new development proposal to achieve a high standard of design.

In this case, it is noted that there are recommendations in the SPD regarding the factors that should be considered in determining whether a development proposal demonstrates the high standard of design, as required by the development plan.

With the previous application, reference was made to paragraph 6.37 of the SPD, which recognises that side extensions have considerable potential to cause harm to the character of the street scene.

This section of the SPD also notes that proposed side extensions should reflect the pattern of development in the street scene.

Paragraph 6.45 of the SPD notes that the primary consideration for detached houses is their locality and space around the building.

Notwithstanding this, the primary recommendation of the SPD is that each planning application needs to be assessed on its merits and in the light of site circumstances and other material considerations.

It is noted that there is a variation in the building line with the adjacent property no. 114. The extension is to be set off the boundary by 1.4 metres at the front of the extension with the gap narrowing to 1.0 metres towards the rear, and that the first floor front wall of

the two-storey side extension is to be setback by 0.28 meters.

In this case, a similar development was proposed under reference P/1162/12, and refused on 7 September 2012.

In dismissing the appeal against the refusal of that application, the Inspector noted that:

'The proposal would introduce significant mass at high level that would effectively close the gap between the houses. It would fail to respond positively to local context in terms of siting and spacing, and would not respect the pattern, grain or scale of the existing development in the area.

'I do not consider that the set back of some 2.5 metres of the front elevation of No 116 behind that of No 114 would be sufficient to mitigate the impact of the proposed extension.'

The Inspector's comments related to the proposal under consideration, in which the extension would have been less than half a metre from the boundary.

The Inspector noted that first floor side extensions were not a feature of the streetscene. However, it is also noted that there is no singular pattern of development in the area.

The proposal has been amended from the appeal scheme such that it would ensure a separation distance of at least 1 metre between the flank wall of the extension and the boundary, as recommended by paragraph 6.47 of the SDP. Therefore, it is considered that the revised proposal has overcome the previous reason for refusal, and that the proposal represents a typical form of householder development that would not be detrimental to the character and appearance of the area.

Residential Amenity

The proposed two storey side extensions would be screened from No. 118 by the existing dwellinghouse. As such, the proposed extension would not cause unreasonable loss of light or outlook or result in any unreasonable impact on that property.

Paragraphs 6.28-6.32 of the SPD specify that first floor and two storey front and rear extensions should not interrupt a 45 degree splay line in a horizontal plane, taken from the nearest first floor or two storey rear corners of any next door dwelling. These same paragraphs also specify that side extensions should also not conflict with a 45 degree vertical splay line taken from the bottom edge of 'protected' windows on neighbouring properties.

There are no windows on the flank elevation of No. 114 from which to take 45 degree vertical splay lines.

The current proposal would not breach a 45 degree horizontal splay line taken from the two storey rear corner of No. 114.

Given the site circumstances, it is considered that the proposal would have no significant impact with respect to the residential amenities of neighbouring properties.

Traffic and Parking

The proposed extension would result in the loss of one parking space from the loss of the garage. Parking for at least one vehicle would however remain on the front of the property, which is acceptable in terms of policy 42 of the DMP.

Equalities Statement

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

On balance, it is considered that the proposal would have no impact with regard to section 149 of the Equalities Act 2010.

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.

Consultation Responses

- None

CONCLUSION

The proposal is considered to be a typical form of householder development that would not cause significant detriment to the residential amenities of neighbouring occupiers or the character and appearance of the area.

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

CONDITIONS

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

P 101 Rev 03; P 102 Rev 00

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

3 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: In the interests of the character and appearance of the area and the amenities of neighbouring residential occupiers, pursuant to Policy 7.4B of the London Plan 2011 and, policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no windows shall be installed in the flank wall of the development hereby permitted facing No. 114 Rowlands Avenue without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, as required by policy DM1 of the Harrow Development Management Policies Local Plan (2013).

INFORMATIVES

1 INFORMATIVE:

The following polices are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011)
Policies 7.3B, 7.4B, 7.6B, 7.8D

Harrow Core Strategy (2012)
Core Policy CS1.B

Harrow Development Management Policies Development Plan Document (2013)
Policies DM1, DM42

Supplementary Planning Document: Residential Design Guide (2010)

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

3 THE PARTY WALL ETC ACT

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

4 GRANT WITHOUT PRE-APPLICATION ADVICE

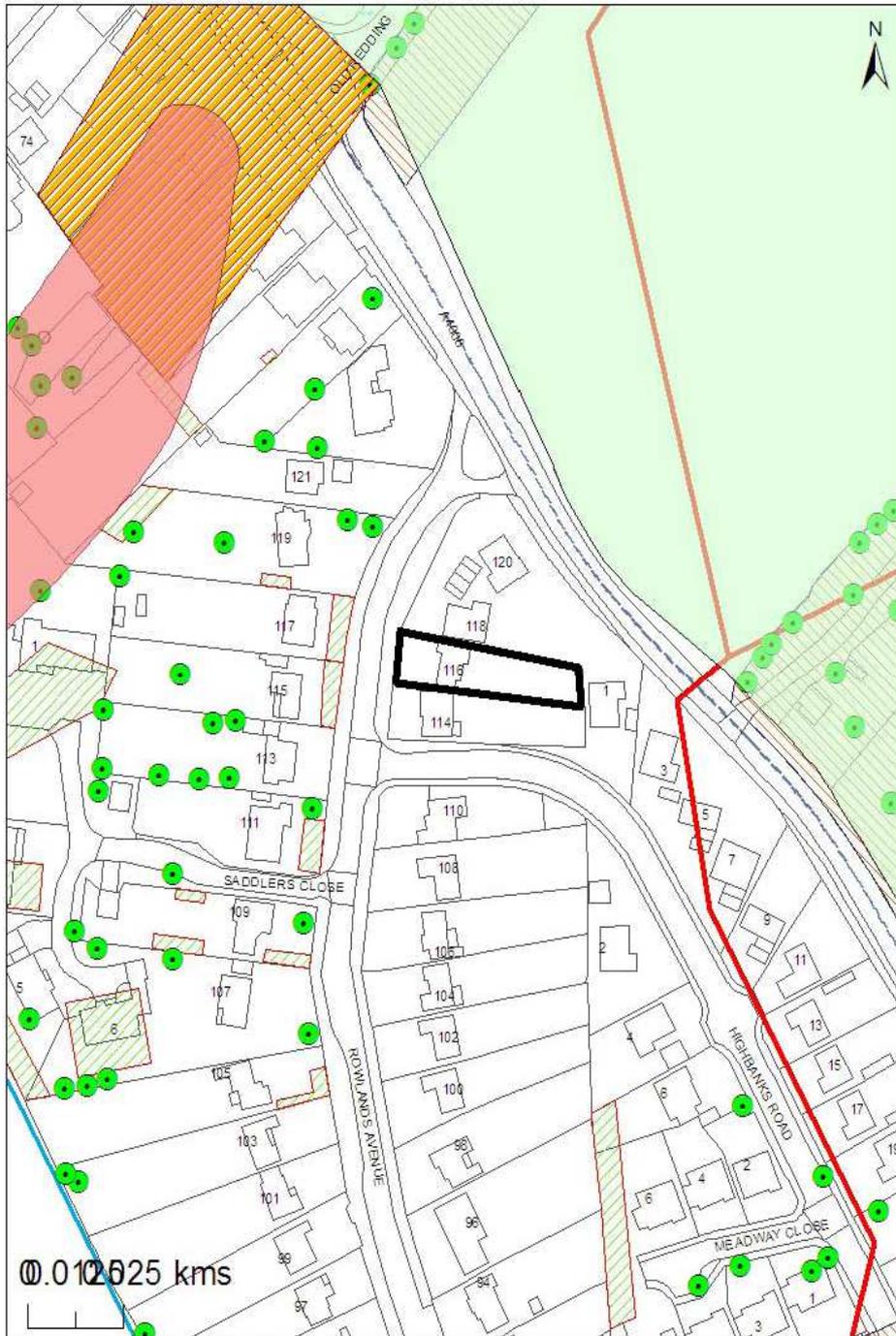
Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

This decision has been taken in accordance with paragraphs 187-189 of The National

Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Plan Nos: P 101 Rev 03; P 102 Rev 00

TREVOSSE, 116 ROWLANDS AVENUE, HATCH END



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Appeal Decision

Site visit made 25 March 2013

by **M A Champion BSc CEng FICE FISTructE FCIHT FHKIE**

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

Decision date: **11 April 2013**

Appeal Ref: APP/M5450/D/13/2192291
116 Rowlands Avenue, Pinner, HA5 4AP.

- 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 Mr Atul Patel against the decision of the Council of the London Borough of Harrow.
 - The application ref: P/1162/12, dated 25 April 2012, was refused by a notice which gave the date of decision as 7 September 2012.
 - The development proposed is a double storey side extension.
-

Decision

1. The appeal is dismissed.

Main issue

2. I consider that the main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site lies in a residential area where Policy D4 of the London Borough of Harrow Unitary Development Plan 2004 (UDP) and Policy CS1B of the Core Strategy 2012 deal with design and layout, and local character. Policy 7.4B of the London Plan 2011 also addresses local character. These policies are supported by Supplementary Planning Document (SPD) *Residential Design Guide*.
 4. These policies are generally consistent with the aims of the National Planning Policy Framework (NPPF), policies from which have also been considered. The NPPF reinforces the local plan as the main consideration in planning decisions. It requires development not to undermine the quality of life, emphasising the importance of sustainable development, high quality design, attractive places and a good standard of amenity for residents. It expects developments to contribute to the overall quality of the area.
 5. The site comprises a detached house and garden in a road of such properties built to a wide variety of styles and sizes.
-

www.planningportal.gov.uk/planninginspectorate

6. The proposed development would construct a two-storey side extension incorporating the footprint of the existing attached garage.
7. The proposed extension would be in keeping with the design, proportions and materials of the existing building taken on its own. However, it would be built very close to the boundary with No 114 which already has a two-storey side elevation that the appellant states is 0.5 metres from the boundary. In view of the angle between the properties, the gap between No 114 and the proposed extension would vary from 1.3 metres at the front to 0.5 metres at the rear.
8. The various designs of houses along the road are generally well spaced. While some may have single storey side extensions close to the boundary, I did not observe any examples of adjoining two-storey dwellings in such close proximity in this part of Rowlands Avenue. Although my attention was drawn to Nos 73 and 75, some distance from the site, and which are extended in this way, these appear to be an exception to the general form of development in the area. I do not consider that any such example necessarily justifies the construction of another which must be considered on its own merits. The proposal would be out of keeping with the established pattern of development.
9. Even if this were not so, the proposal would introduce significant mass at high level that would effectively close the visual gap between the houses. It would fail to respond positively to local context in terms of siting and spacing, and would not respect the pattern, grain or scale of the existing development in the area.
10. I do not consider that the set back of some 2.5 metres of the front elevation of No 116 behind that of No 114 would be sufficient to mitigate the impact of the proposed extension.

Conclusion

11. I conclude, therefore, that the proposed development would adversely affect the character and appearance of the surrounding area, contrary to the policies cited above.

MA Champion

INSPECTOR

Item No. 2/06
Address: FLAT G, 36 HINDES ROAD, HARROW
Reference: P/0538/13
Description CERTIFICATE OF LAWFUL EXISTING USE: USE OF DETACHED OUTBUILDING IN REAR GARDEN AS RESIDENTIAL UNIT (CLASS C3)
Ward GREENHILL
Applicant: MR MOHMMED LALJI
Agent: MR ALI HUSANI
Case Officer: CALLUM SAYERS
Expiry Date: 13/05/2013

RECOMMENDATION

GRANT a Certificate of Lawful Existing Use for the development described in the application and submitted plans.

REASONS

1 The Local Planning Authority is satisfied that sufficient evidence has been provided to demonstrate that, on the balance of probabilities, the outbuilding known as Flat G, 36 Hindes Road, Harrow, HA1 1SL has been in use as a self-contained unit for a continuous period of at least 4 years prior to the date of this application. The existing development is therefore considered to be lawful and as such the Local Planning Authority grant to issue a Certificate of Lawful Existing Development.

2 The existing use of the detached outbuilding in the rear garden as a residential unit is therefore lawful and accordingly a Certificate of Lawful Existing Use should be granted.

MAIN CONSIDERATIONS

Immunity from Enforcement Action

INFORMATION

This application was deferred from the Planning Committee on the 1st August 2013 for further consultations to be carried out. A site visit also took place on the Thursday 29th August 2013.

Summary

Statutory Return Type: 26: Other

Council Interest: None

Site Description

- This is a two-storey end of terraced dwelling house located on the southern side of

Hindes Road.

- The property has a number of rear extensions and a side dormer.
- The outbuilding subject to this application is currently in situ in the rear garden.
- The property is neither listed, nor in a conservation area.

Proposal Details

- The applicant is attempting to demonstrate that the use of the outbuilding as a self-contained residential unit for a continuous period of four or more years.
- The applicant has submitted the following details in attempt to demonstrate that above;
 - Harrow Building Control Letter (13th December 2006)
 - Harrow Council Planning Enforcement Letter (17th December 2007)
 - Harrow Council Planning Tax & Business Rates Letter (30th January 2009)
 - Harrow Council Planning Tax & Business Rates Letter (4th July 2012)
 - Tenancy Agreements with from 31/10/2007 up until 02/03/2012
 - Ellis & Co Landlord Statement 05/11/2007

Revisions to Previous Application:

None

Relevant History

P/1872/04

Single storey rear extensions, alterations to roof to include side and rear formers, change of use from class C1-C3 (hotel to residential) to form 6 flats (resident permit restricted).

Granted: 14/01/2005.

P/3088/06

Detached single storey storage building at rear

Granted: 03/04/2006

Pre-Application Discussion

None

Applicant Statement

- n/a

Consultation

First Notifications

Sent: 15

Replies: 0

Expiry: 12 April 2013

Addresses Consulted:

1A, 1B Welldon Crescent, Harrow, HA1 1QU

34A Hindes Road, Harrow, HA1 1SL

2A, 2B, 4 Wellesley Road, Harrow, HA1 1QN

38-40 Wellesley Road, Harrow, HA1 1SL

36 Hindes Road, Harrow, HA1 1SL

Flats A, B, C, D, E, F, G, 36 Hindes Road, Harrow, HA1 1SL

Second Notifications

Sent: 68

Replies: 0

Expiry: 23 August 2013

Addresses Consulted:

1A, 1B, 3, 3A, 5, 5a Welldon Crescent, Harrow, HA1 1QU

2A, 2B, 4, 6 Wellesley Road, Harrow, HA1 1QN

38-40 Wellesley Road, Harrow, HA1 1SL

Lower & Upper Flat, 8 Wellesley Road, HA1 1QN

34A Hindes Road, Harrow, HA1 1SL

26a, 26b, 32A, 36 Hindes Road, Harrow, HA1 1SL

Flats A, B, C, D, E, F, G, 36 Hindes Road, Harrow, HA1 1SL

30, 42, 44, 46a, 48 Hindes Road, Harrow, HA1 1SL

Lower Flat & Upper Flat, 29 Hindes Road, HA1 1SQ

Flat 43 Hindes Road, HA1 1SQ

23, 25, 27a, 27b, 27c, 29, 31, 31a, 33, 35, 35a, 37, 43 Hindes Road, HA1 1SQ

39-41 Hindes Road, HA1 1SQ

Flat 1 & 2, 46 Hindes Road, HA1 1SL

Flat 1 – 5, 33 Hindes Road, HA1 1SQ

Garages Rear of 26 Hindes Road, HA1 1 SL

Harrow Guest House, 28 Hindes Road, HA1 1SL

Lydon Hotel, 32 Hindes Road, HA1 1SL

Flats 1 – 7, 23 Hindes Road, HA1 1SQ

Ground & Upper Flat, 37 Hindes Road, HA1 1SQ

APPRAISAL

Immunity from Enforcement Action

The applicant states in the application form that the use of the outbuilding at the property as a self-contained residential unit has occurred for more than four years.

In support of this assertion, the applicant has submitted the following documents:

- Harrow Building Control Letter (13th December 2006)
- Harrow Council Planning Enforcement Letter (17th December 2007)
- Harrow Council Planning Tax & Business Rates Letter (30th January 2009)
- Harrow Council Planning Tax & Business Rates Letter (4th July 2012)
- Tenancy Agreements with from 31/10/2007 up until 02/03/2014
- Ellis & Co Landlord Statement 05/11/2007
- Confirmation email from Harrow Council Tax Department that Council Tax has been paid for the outbuilding since 2007.

In accordance with section 191 of the Act the burden of proof rests with the applicant to prove on the balance of probabilities, the single storey outbuilding at the property has been in continuous use as a self-contained residential unit for a period of at least four years (rendering the use time barred from enforcement action) prior to the submission of the application.

The applicant has stated on the application form that the outbuilding has been a separate self-contained dwelling in excess of 4 years.

An examination of the building control records demonstrates that the physical outbuilding was being erected at this time. The actual structure of the outbuilding is not contentious, and it is the use of it as a self-contained unit that is subject of this application.

The letter submitted by the applicant which was received from the Harrow Enforcement Team on the 17th December 2007 confirmed that the outbuilding was, at that time used as a separate self-contained residential unit. This letter on its own would be sufficient evidence to demonstrate on the balance of probabilities that the use of the outbuilding as a self-contained unit began at this time.

Notwithstanding this, the applicant would need to demonstrate that the residential use of the outbuilding has been continuous for a period of four years or more.

A letter from the Harrow Council Tax and Business Rates confirms that the property known as 36G Hindes Road has been occupied since the 25th October 2007 to the date of the letter, which is the 4th July 2012. Again, this evidence in isolation would not demonstrate that the outbuilding had been used continuously for a four year period. However, Harrow Council Tax Bills have been submitted which demonstrates Council Tax has been paid over a period from 2008 – 2012.

The applicant has submitted 6 tenancy agreements over the period from 2007 until 2012. In their entirety there are tenancy agreements that would cover a continuous four year period, with a number of them overlapping in tenancy. Whilst there is no detail on the overlapping nature of these agreements, it is feasible to have more than one tenant at a time as the outbuilding is set up with two bedrooms.

The outbuilding was occupied at the time of the site visit.

Notwithstanding the above, although the burden of proof rests with the applicant, the standard of proof is on the balance of probabilities.

On the basis of the evidence submitted and on the balance of probabilities, and in the absence of any evidence to the contrary, the outbuilding at the property and known as 36G Hindes Road, Harrow, HA1 1SL has been in use as a self-contained unit for a period of more than four years prior to the date of the submission of the LDC, and the development is therefore immune from enforcement action and is lawful under section 171B of the Town and Country Planning Act 1990 (as amended).

CONCLUSION

For all the reasons considered above, the use of the outbuilding known as Flat G, 36 Hindes Road, Harrow, HA1 1SL is lawful.

It is therefore recommended that a Certificate of Lawful Existing Use be granted.

Plan Nos: Existing elevations and floor plan 1A, Harrow Building Control Letter (13th December 2006), Harrow Council Planning Enforcement Letter (17th December 2007), Harrow Council Planning Tax & Business Rates Letter (30th January 2009), Harrow Council Planning Tax & Business Rates Letter (4th July 2012), Tenancy Agreements with from 31/10/2007 up until 02/03/2014, Ellis & Co Landlord Statement 05/11/2007

FLAT G, 36 HINDES ROAD, HARROW



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Item No. 2/07
Address: 1 & 1A SILVERDALE CLOSE, NORTHOLT
Reference: P/1852/13
Description: CHANGE OF USE OF FORMER CHILDRENS RESIDENTIAL HOME AND CONTACT CENTRE INTO SEVEN RESIDENTIAL FLATS (CLASS C2/D1 TO CLASS C3); EXTERNAL ALTERATIONS (REVISED)
Ward: ROXETH
Applicant: MELINDA PROPERTY SERVICES LTD
Agent: FJ THOMPSON & CO
Case Officer: CALLUM SAYERS
Expiry Date: 22/08/2013

RECOMMENDATION

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

INFORMATION

The application is reported to the Planning Committee because the proposal involves the conversion of a residential building that was not a dwellinghouse into flats and is therefore outside the parameters of category 1(e) of the Scheme of Delegation.

Statutory Return Type: Minor Dwellings

Council Interest: Former Council owned site

Gross Floorspace: 384 sq m

Net additional Floorspace: 0 sq m

GLA Community Infrastructure Levy (CIL) Contribution (provisional): 13,440.00 (Based on the change of use from non-residential to residential use of a premise that has been vacant for more than six months).

Site Description

- The application site is located on the south eastern side of Silverdale Close on a corner plot/bend in the road.
- The property contains a two storey detached building with a single storey wing to the eastern side (no. 1a)
- The building is currently vacant. The ground floor of the building was previously used as a contact centre (Use Class D1) and a Children's Home on the first floor (Use Class C2)
- The two-storey building has two metal fire escape staircases from the upper floor, one on each side.
- The neighbouring properties to the north, no. 3, 5 and 7 Gaylor Road, are two storey

terraced dwellings.

- The property to the west, no's 2-7 Silverdale Close is a 3 storey building containing purpose built flats
- The surrounding area is characterised by purpose built flats and terraced dwellings.
- The approved extensions granted by planning permission P/3497/11 is in the process of being implemented.

Proposal Details

- The application proposes the change of use of the building to seven self-contained flats.
- The ground floor of the single-storey building would have two flats:
- Flat 1 would be a three-person two bedroom flat with a Gross Internal Area (GIA) of 60m² and Flat 2 would be a three-person two-bedroom flat with a GIA of 81m².
- The ground floor of the two-storey building would have three studio flats. Flat 3 would have a GIA of 36.3m², Flat 4 would have a GIA of 41m² and Flat 5 would have a GIA of 39m². Each flat would have its own entrance.
- The first floor of the two-storey building would have two three-person two-bedroom flats. Flat 6 and Flat 7 would both have a GIA of 60m². Each flat would have its own entrance, utilising the existing fire escape staircases on either end of the building.
- No external alterations are proposed as part of this application.

Revisions to Previous Application

Following the previous withdrawn application (P/3497/11) the following amendments have been made

- The ground floor of the two-storey element has reorganised the proposed living accommodation to now provide three studio style units. The previously consented scheme was granted permission for two flats on the ground floor of the two-storey element.

Relevant History

LBH/22076 – External fire escape
Granted – 20/09/1982

LBH/22782 – Single-storey building to provide community bed-sit accommodation
Granted – 08/03/1983

WEST/395/95/LA3 – Two storey front, side & rear extension, with external fire escape staircase to children's home
Granted – 21/11/1995

P/1968/05/DLA – Alterations to garage and continued use as part of home; decking at rear
Granted – 20/09/2005

P/2230/09 – Continued use of the ground floor of the former children's home (Use Class C2) as a contact centre (Use Class D1); proposed change of use of first floor from children's home to children's centre (Use Class D1); single and two storey front, side and rear extensions and canopy at rear and external alterations
Granted – 08/12/2009

P/3070/11 – Change of use from a children's residential home and contact centre to six

residential dwellings (Class C2/D1 to Class C3); new windows and doors to all elevations; external alterations; provision of four parking spaces; landscaping and refuse
Withdrawn – 22/12/2011

P/3497/11

CHANGE OF USE FROM A CHILDREN'S RESIDENTIAL HOME AND CONTACT CENTRE TO SIX RESIDENTIAL DWELLINGS (CLASS C2/D1 TO CLASS C3); NEW WINDOWS AND DOORS TO ALL ELEVATIONS; EXTERNAL ALTERATIONS; PROVISION OF FOUR PARKING SPACES; LANDSCAPING AND REFUSE
GRANT: 02/03/2012

P/0919/13

Change of use of former children residential home and contact centre into seven residential flats (class C2/D1 to class C3: external alterations.
Withdrawn: 12/06/2013

Pre-Application Discussion

- No formal pre-application advice provided.

Applicant Submission Documents

- Design and Access Statement:

Consultations

London Borough of Ealing: No response received

Highways Authority: On-site parking provision should be maximised given the low PTAL rating and to mitigate against parking displacement as there is the potential for above average car ownership level. The provision of four spaces with within maximum London Plan standards. Additional parking compared to C2/D1 use can be accommodated without detriment to local highway network. Fourteen cycle spaces exceed London Plan standards and are accepted.

Advertisement

- None

Notifications

Sent: 21

Replies: 0

Expiry: 08/08/2013

Addresses Consulted

Silverdale Close: 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13

Gaylor Road: 3, 5, 7, 9, 11, 15

The Heights: 236, 238, 240

Hornbeam Close (Ealing): 24, 25, 26, 27, 28, 29, 30, 31, 32

Summary of Responses

- N/A

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

Principle of the Development
Character and Appearance of the Area
Residential Amenity, including Lifetime Homes
Traffic and Parking
Sustainability
Equalities
S17 Crime & Disorder Act
Consultation Responses

Principle of the Development

The proposed conversion of this redundant building to residential use was considered acceptable in the planning application granted under P/3497/11 for the site dated 02/03/2012.

Although the Council has policies seeking the retention of existing community facilities, it is noted that the contact centre and children's home is now redundant and surplus to requirements, and results in no conflict with saved policy DM47 of the DMP (which seek to ensure there are sufficient social and community facilities).

The principle of conversion of the property to residential uses is considered acceptable as this would be appropriate in this residential area, as required by Core Strategy overarching policy CS1.B, policies 7.4B and 7.6B of The London Plan. The proposal would assist in achieving the Borough's housing targets, as required by The London Plan policies 3.3 and 3.4 and Core Strategy overarching policy CS1.A and H.

Character and Appearance of the Area

The proposal would make minimal alterations to the external appearance of the property, namely the replacement of windows and doors and the use of new cladding on the single-storey element of the building. No objection is raised to this, as these changes would complement the existing property and the area, as required by The London Plan policies 7.4B and 7.6B, Core Strategy CS1.B and policy DM1 of the Harrow Development Management Plan.

The use of the property as flats would be in keeping with this residential area, as noted in the previous section.

The proposal includes the landscaping of the front of the property to provide a mixture of parking spaces and soft landscaping, as required by Core Strategy policy CS1.B and policy DM23 of the Harrow DMP which seek to enhance streetside greenness and forecourt greenery. However, the proposed landscaping details shown on the submitted drawings are indicative and therefore a condition requiring a more detailed scheme of hard and soft landscaping is recommended.

Residential Amenity, including Lifetime Homes

Internal Amenity and Lifetime Homes

The Council requires that new residential development should provide a good standard of accommodation. Paragraph 4.54 of the SPD: Residential Design Guide states that the minimum space standards for new homes set out in The London Plan will be applied to all new residential development in Harrow.

These standards are set out in Table 3.3 which supports Policy 3.5 of the London Plan.

In addition, the Council regards the room sizes contained within the Interim London Housing Design Guide (LHDG) as an indicator of good quality housing.

The proposed gross areas and internal room sizes compared to the LHDG as shown in the table below.

Where there is a shortfall, the figure is shown in **bold**.

	Gross Internal Floor Area (LP Requirements)	Kitchen/Living/Dining (LP Requirements)	Bedroom (LP Requirements)
Flat 1	60sqm (61sqm)	30sqm (23sqm)	12.5 (12sqm) 8.0 (8sqm)
Flat 2	82sqm (70sqm)	40sqm (27sqm)	15.1sqm (12sqm) 11.6sqm (12sqm)
Flat 3	36.3sqm (37sqm)	N/A	N/A
Flat 4	41sqm (37sqm)	N/A	N/A
Flat 5	39sqm (37sqm)	N/A	N/A
Flat 6	60sqm (61sqm)	26sqm (25sqm)	13.0sqm (12sqm) 8.0sqm (8sqm)
Flat 7	60sqm (61sqm)	27sqm (25sqm)	12sqm (12sqm) 9.2sqm (8sqm)

As can be seen from the above table, there is a shortfall in the GIA of flats 1, 3, and 6, although it is noted on the proposed plans that any shortfall is no more than one square metre. There is also a shortfall (of 0.5sqm) in the bedroom of flat 2. However, these shortfalls are in part as a result of the constraints of the site and are not so significant as to warrant refusal of the scheme as a whole. In any case the proposed units that are short of the gross internal floor space are of a satisfactory layout, and as such would ensure that the habitable areas are functional and would not result in cramped or contrived layouts. Furthermore, given that the proposal is for the refurbishment of an existing building rather than the construction of a new building, the benefits of bringing the site into beneficial use outweigh any harm that would arise through the slight shortfalls outlined above.

Core Strategy policy CS1.K requires that all new dwellings should comply with the requirements of Lifetime Homes and Inclusive Design. This requirement is detailed in adopted Supplementary Planning Document, Accessible Homes, which supports Core Strategy policy CS1.K, policy DM2 of the Harrow Development Management Plan (2013) and The London Plan policies 3.5, 3.8, 7.2 and 7.6. These policies also require that ten percent of all new housing should either be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

Each of the flats would comply with the requirements of Lifetime Homes where practicable and the proposal is considered acceptable in this regard.

Access to flats 5 and 6 would be via external metal staircases that were originally constructed as fire escapes. While this form of access is not ideal, this situation is comparable with access to some flats above shops. The staircases have a relatively shallow angle (34 degrees), and are considered acceptable.

The proposal would provide private gardens for flats 1 – 5 (with areas of between 30 and 45 square metres). However, there would no amenity space for proposed flats 6 and 7 located on the first floor. Policy 7.6B of The London Plan (2011), policy DM1 of the Harrow Development Management Plan (2013) and Supplementary Planning Document: Residential Design Guide (2010) requires that new residential development provides amenity space that is sufficient to act as an amenity area and to protect the amenities of occupiers of the development and of neighbouring occupiers. Given the site circumstances and the pattern of development in the area, the level of private amenity provision is acceptable and would comply with the Council's policy requirements.

Residential Amenities of neighbouring occupiers

The orientation of the building on the site and the location of the windows are such that the proposal would have no detrimental impact on neighbouring occupiers in terms of overlooking, and would comply with the requirements of Core Strategy policy CS1.B and K, policy 7.6B of The London Plan, policy DM1 of the Harrow DMP 2013 and SPD: Residential Design Guide. Where there is direct overlooking between windows of neighbouring properties, this would be at distance of 19m from the ground floor of flats 1 and 2 and 22m from the first floor windows of flats 6 and 7. It is considered that any potential overlooking that could occur from the ground floor windows would be overcome by the use of suitable boundary treatments. The window-to-window distances from the first floor are considered sufficient that the mutual overlooking would not result in any significant harm.

While there could be some additional activity at the site, in terms of comings and goings and general residential activity, this would be more typical of the wider area when compared to the previous lawful use as a children's residential home and contact centre and the timing and intensity of activity and trips that such a use could generate. The proposal is therefore considered acceptable in this regard.

Traffic and Parking

The applicant has maximised parking provision through the provision of 4 spaces which are well within accepted maximum parking standards in The London Plan policy 6.13C/D and policy DM42 of the DMP. It is clear that owing to site constraints an increase in provision cannot be achieved.

It is accepted that the previous use as a children's care home and contact centre would have generated an element of activity.

Several visits to the site at differing periods of the day indicate that spare highway parking capacity is available. This could possibly be due to the local housing tenure type of two-storey dwellings and smaller flats. It is considered that the net increase in parking demand, as compared to the previous C2/D1 use, is likely to result in a moderate increase in on-street parking demand which can be accommodated without detriment to the local highway network, as required by policy DM42 of the DMP.

The fourteen cycle spaces for the development exceed The London Plan policy 6.19B Standards and are therefore considered acceptable. There is adequate space on site for these to be provided and therefore a condition ensuring their location and appearance are submitted to the Council.

Sustainability

The London Plan requirement (detailed in policy 5.2) for new residential developments to achieve Level 4 of the Code for Sustainable Homes only applies to major development. However, policy 5.3B of The London Plan requires that Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.

In the applicant's Design and Access Statement it is noted that the proposed development would comply with the Council's sustainability guidelines covered by the Building Regulations application.

Given that this matter is covered by other legislation, a planning condition, other than the requirement to complete the development in accordance with the approved plans and documents, including the design and access statement, is not considered necessary.

The proposal would not increase the amount of built development at the site and specific drainage conditions are not considered appropriate.

The provision of four parking spaces at the site could result in some increased surface water run-off. However, any such run-off could be dealt with through a sustainable drainage solution, such as permeable paving, and approved as part of the hard and soft landscaping condition.

Equalities

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in

particular any potential impact on protected groups. It is considered that this application would not have any impact on equalities.

S17 Crime & Disorder Act

It is considered that the proposed development, subject to a general condition regarding community safety, would not adversely impact upon community safety issues and so it would comply with policy 7.3 of The London Plan (2011).

Consultation Responses

N/A

CONCLUSION

The development is considered to provide a satisfactory level of accommodation for the future occupiers of the development. Furthermore, the development would not have any unacceptable impact on the amenities of the neighbouring occupiers.

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

CONDITIONS

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1282.001, 1282.002, 1282.003 (REV D), 1282.004 (REV B), Site Plan, Design and Access Statement

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

3 The materials to be used in the alterations to the external surfaces of the development hereby permitted shall match those used in the existing building.

REASON: To safeguard the appearance of the locality, as required by policies 7.4B and 7.6B of The London Plan (2011) and DM1 of the Harrow Development Management Plan (2013)

4 Prior to the occupation of the flats hereby permitted, detail shall be submitted to and approved in writing 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.

Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

Hard landscape works shall include details of (but not limited too) all boundary treatments, ground surfacing, gate to external staircases, location and appearance of secure bicycle storage, and external lighting.

The development shall be completed in accordance with the approved details and, save as required by Condition 5, shall be permanently retained.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, as required by policies 7.4B and 7.6B of The London Plan (2011), policies DM1, DM2 and DM23 of the Harrow DMP (2013), and Supplementary Planning Document: Residential Design Guide (2010).

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, as required by policies 7.4B and 7.6B of The London Plan (2011) and policies DM1 and DM23 of the Harrow DMP (2013).

6 Prior to the construction of the building hereby approved on site, additional details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the building and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area, thereby according with policy 7.4.B of The London Plan 2011 and policy DM1 of the Harrow Development Management Plan (2013).

7 Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied until details of sound insulation, measures between the ground floor flats and the first floor flats have been submitted to and approved in writing by the Local Planning Authority and retained thereafter.

REASON: To ensure the development would not adversely affect the amenities of the future occupiers of the ground floor units as the plans show a conflict in the stacking arrangement between the ground floor and first floor flats thereby according with policy 7.6.B of The London Plan, saved policy DM1 of the Harrow Development Management Plan (2013) and Supplementary Planning Document: Residential Design Guide 2010.

8 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 7.2B of The London Plan (2011), policy DM2 of the Harrow DMP (2013), and Section 17 of the Crime & Disorder Act 1998.

INFORMATIVES

1 The following National Planning Policy, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the policies within the Harrow Development Management Plan (2013), are relevant to this decision:

National Planning Policy Framework 2012

The London Plan:

- 3.3 – Increasing housing supply
- 3.4 – Optimising housing potential
- 3.5B/C – Quality and design of housing developments
- 3.8B – Housing Choice
- 5.3B – Sustainable design and construction
- 7.2C – An inclusive environment
- 7.3B – Designing out crime
- 7.4B – Local Character
- 7.6B – Architecture
- 6.9B – Cycling
- 6.13C/D – Parking

Adopted Harrow Core Strategy (2012)
Core Policies CS1(A, B, I, J, K, S, R)

Harrow Development Management Plan (2013): Policies DM1, DM2, DM23, DM42.

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

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

3 PARTY WALL ACT:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

5 COMMUNITY SAFETY

In aiming to satisfy the Community Safety condition 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 condition.

6 Grant without pre-application advice

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

GLA COMMUNITY INFRASTRUCTURE LEVY (CIL) CONTRIBUTION:

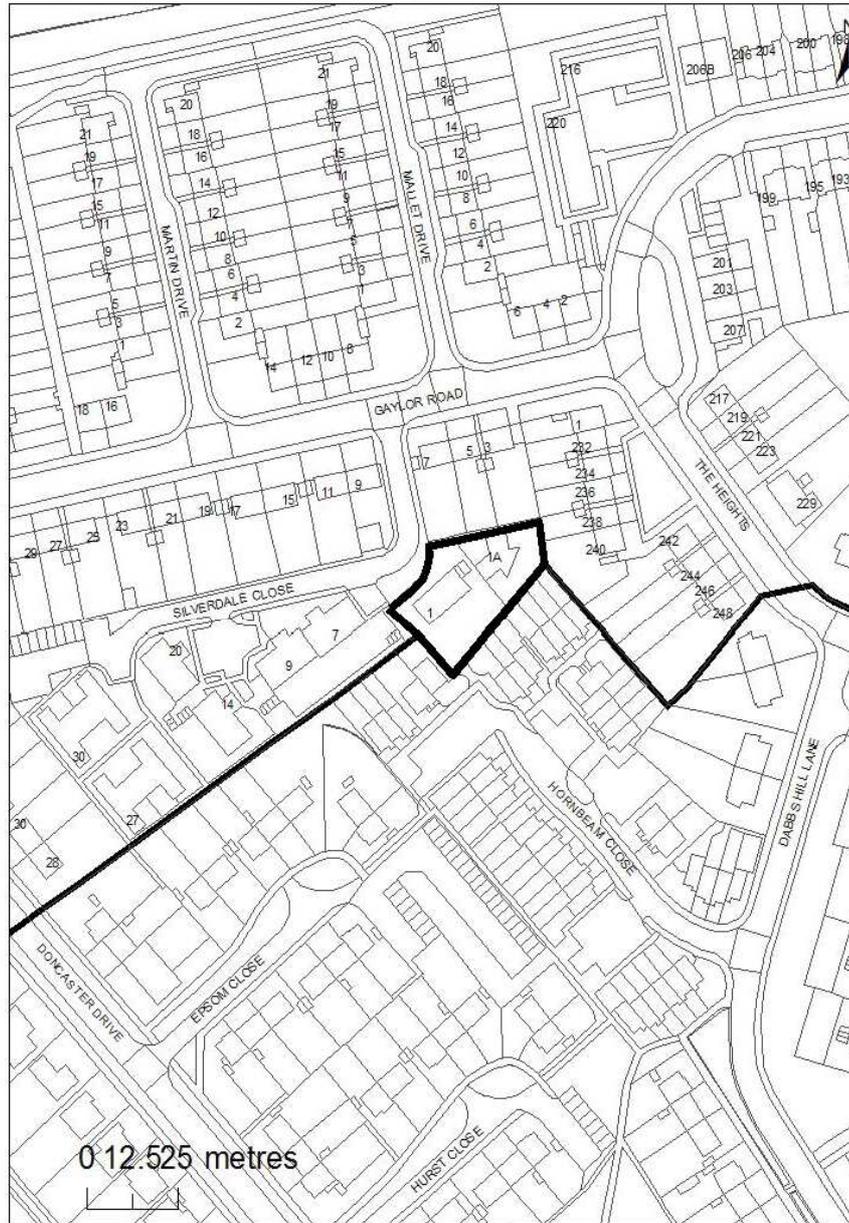
Please be advised that approval of this application will attract a liability payment of £13,440.00 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority upon the grant of planning permission will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £13,440.00 for the application, based on the levy rate for Harrow of £35/sqm and the additional residential net floor area of 384sq.m.

You are advised to visit the planning portal website where you can download the appropriate document templates.

Plan Nos: 1282.001, 1282.002, 1282.003 (REV D), 1282.004 (REV B), Site Plan, Design and Access Statement

1 & 1A SILVERDALE CLOSE, NORTHOLT



0.12525 metres

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Item No: 2/08
Address: 106 - 108 HINDES ROAD, HARROW
Reference: P/0932/13
Description CHANGE OF USE OF GROUND FLOOR FROM OFFICE (CLASS B1) TO TWO FLATS (CLASS C3); CONVERSION OF FIRST FLOOR TO FOUR FLATS (SIX IN TOTAL); ALTERATIONS TO ROOF TO FORM END GABLE AND TWO REAR DORMERS; SINGLE STOREY SIDE EXTENSION AND TWO STOREY REAR EXTENSION; ALTERATIONS TO FRONT ELEVATION; FRONT BOUNDARY WALL; BIN AND CYCLE STORAGE; RE-INSTATE EXISTING CROSSOVER; PARKING AT REAR AND LANDSCAPING
Ward: GREENHILL
Applicant: KJDMA (HARROW) LTD
Agent: MULTI CREATION
Case Officer: CALLUM SAYERS
Expiry Date: 10 JULY 2013

RECOMMENDATION

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

INFORMATION:

The application is being referred to the Planning Committee as the loss of the commercial unit on the ground floor within a Neighbourhood Parade is a departure from the Development Plan. Therefore falls under Part 1(14) of the scheme of delegated powers.

Statutory Return Type: 13 Minor Dwelling

Council Interest: None

Gross Floorspace: 0sqm

Net Additional Floorspace: 263.2sqm

GLA Community Infrastructure (CIL) Contribution: £9,212.00 (based on a net additional floor area of 263.2sqm)

Site Description

- The site is located on the southern side of Hinds Road, and is the eastern and middle units of the property within a terrace of three two-storey buildings.
- The property is currently used on the ground floor as an office with a body repair centre. Above, the property is used as flats.
- A shared access way to the east of No. 106 Hinds Road provides access to the rear garden of the property.
- A number of commercial premises are operating to the rear of the property.

- The property is located within a neighbourhood parade.

Proposal Details

External Alterations

Loft Conversions

- It is proposed to erect a hip to gable roof extension with a rear facing box dormer at No. 106 Hindes Road.
- A box dormer would be erected in the rear roof slope of the property at No. 108 Hindes Road.
- The proposed roof space would be utilised as a bedroom.

Rear extensions

- The proposed two-storey rear extension would have a maximum depth at ground floor of 3.4m, and would be 4.8m deep at first floor level.
- The proposed extension would extend across the rear of both 106 & 108 Hindes Road, which would be for a width of 8.5m. The proposed extension would have a height of 6.3m and would have a flat roof.
- It is not proposed to introduce any openings in the flank walls of the extension, however there would be two first floor rear windows and two ground floor doors.
- The doors on the rear elevation would provide access to the waste and recycling and the bicycle storage facilities for the proposed flats.
- A single storey rear infill extension is proposed to be located on the rear elevation of the property on the common boundary with No. 110 Hindes Road. This extension would be 3.0m and have a maximum height of 2.9m to the top of its flat roof.

Front boundary treatment

- The existing forecourt is proposed to be enclosed with a brick built wall, with single access doors retained to Nos. 106 and 108 Hindes Road.
- The brick built wall would be 0.65m high with a maximum pillars height of 0.85m.
- The dropped kerb will be reinstated, however the dropped kerb providing the rear garden will be retained.
- The front garden will be landscaped.

Front Elevation

- It is proposed to alter the ground floor of the front elevation by removing the large commercial looking windows and replacing them with more residential style windows.
- The access to the each property would remain in the same location. However, the doors would be replaced in a more residential style than existing.

Proposed Living Accommodation.

- It is proposed to change the use of the ground floor units currently used as a commercial use into two self-contained flats. The upper floors will also be converted to provide more self contained flats and there will be a total of 6 units on site.
- The ground floor would provide for a two bed, three person flat and a one bedroom, two person flat. The one bedroom flat on the ground floor would have a private amenity space to the rear.
- At first floor level it is proposed to have four flats, with two having accommodation in the roof space.
- Flat 3 would be a one bedroom, two person unit with its bedroom located in the

converted loft space.

- Flat 4 would be one bedroom 2 person flat.
- Flat 5 would be a one bedroom 2 person flat.
- Flat 6 would be a studio unit.
- All proposed flats would be accessed via the existing access doors on the front elevation.

Relevant Planning History

106 Hindes Road

N/A

108 Hindes Road

LBH/28237

Two Parking Spaces

Granted: 09/08/1985

LBH/28583

Change of use of rear of shoe to service reception in conjunction with garage at rear and new shop assistant.

Grant: 22/10/1985

106 – 108 Hindes Road

LBH/19866

Change of use from shop to insurance brokers office

Refused: 15/10/1981

LBH/29132

Single storey rear extension

Grant: 06/02/1986

LBH/29713

Change of use from shop to part shop and data processing office and shop front assistant.

Refused: 24/04/1986

LBH/40058

Continued use of No. 106 as garage reception area and erection of canopy over rear car parking/valeting yard.

Grant: 05/06/1990.

Applicant's Submission Documents

- Design and Access Statement
- Marketing Evidence

Pre-application Advice (REF: HA\2012\ENQ\00331)

- Marketing evidence required for the loss of the commercial units on the ground floor.
- Hip to gable extension is likely to be acceptable due to the presence of a gable ended feature to the west.
- Hip to gable would likely be acceptable given the shallow depth of the existing roof

profile.

- Rear box dormers are acceptable in principle. However, would need to comply with the Residential Design Guide SPD (2010).
- Level of accommodation generally acceptable.

Consultations

Highway Authority: No Objection.

Drainage Engineer: No Comment.

Advertisement (Departure from Development Plan): 8th August 2013

Expires (Departure from Development Plan): 29th August 2013

Site Notice: Erected 06 August 2013

Expires: 27th August 2013

Notifications

Sent: 13

Replies: 0

Expiry: 22nd June 2013

Neighbours Consulted:

Hindes Road: 104, 104a, 108

Flat 1 & Flat 2 110 Hindes Road

Land rear of 110 Hindes Road

Unit rear of 102 – 108 Hindes Road.

Office rear of 110 Hindes Road.

Headstone Road: 117, 117a, 119a, 119b

Headstone Road Post Office, 119 Headstone Road, Harrow, HA1 1PG

Summary of Response(s):

None

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

Principle of Development
Character and Appearance of the Area
Residential Amenity
Accessibility
Equalities
S17 Crime & Disorder Act
Consultation Responses

Principle of Development

Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

Core Policy CS1.B specifies that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'

Policy DM38 of the Harrow Development Management Plan (2013) refers to uses within neighbourhood parades. Policy DM38 goes on to state that Neighbourhood Parades provide premises for shopping and related local-scale facilities which residents can easily walk to from their home. Where the commercial premise has not been in use and satisfactory evidence has been submitted to demonstrate adequate marketing has been undertaken over a period of time, this will then form part of the justification for a change of use from the existing use class within the property. However, even in the event that suitable marketing has been submitted to demonstrate no interest in the site in its current use class, or indeed other use classes, there is no default to residential use. Residential on the ground floor would often signal the decline of the neighbourhood parade, and the lack of desire to reinvigorate it. Whilst it is acknowledged that the application would result in the loss of two commercial properties within the neighbourhood parade, it is noted on site that one property (No. 110 Hinds Road) has already converted to a residential use. The property at No. 104 Hinds Road would remain as a commercial use. The applicant has submitted evidence to demonstrate that the property has been marketed for a satisfactory level of time, (ie. more than 12 months). Evidence submitted includes flyers that were sent out by recognised local real estate agents, identifying the current use of the site and potential for redevelopment. The previous owner of the property has also provided further evidence of his attempts to offer the property to a variety of potential use classes within the area. The evidence submitted appears to demonstrate that an adequate effort has been made to approach a number of potential uses of the site that are outside of the current use of the property. The evidence demonstrates that the marketing of the site on the open market and also direct approaches to other users within the area have been unsuccessful. Furthermore, the evidence also demonstrates that the property was offered at a number of different prices in an attempt to entice potential buyers, again with no success.

The application site sits within a neighbourhood parade of four properties, one of which has a ground floor that has already been converted into a residential unit (complete with bay window on the front elevation). As such it is considered that this neighbourhood parade is extremely small and its ground floor commercial units have already been eroded. Furthermore, a large neighbourhood parade is within 40m from the application site fronting onto Headstone Road, and at 95m in length is a much more established

parade. Given the location of this established neighbourhood parade fronting onto Headstone Road, it is considered that this would still adequately serve the local area with shopping and local scale facilities. Given the proximity of the application site within the small neighbourhood parade, in relationship to the significantly larger neighbourhood parade fronting onto Headstone Road, could reasonably be considered to be one parade.

Hindes Road in this location is noted on the south side as being predominantly residential in use. On the northern side of the road is some residential with a school and a church.

It is considered that the loss of the two ground floor units as commercial floor space, as a result of their proximity to the much larger neighbourhood parade fronting Headstone Road would result in a negligible loss. Furthermore, the applicant has satisfactorily demonstrated that the property has been marketed for a range of uses without success.

Character and Appearance of the Area

Policy DM1 of the DMP gives advice that "all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted." Policy DM26 of the DMP also gives advice that with regards the conversion of houses and other residential premises to multiple homes, "the design of any external alterations should not detract from the appearance of the property or the streetscene".

The Council has adopted a Supplementary Planning Document (SPD) on Residential Design (2010), which gives design guidance and requires extensions to harmonise with the scale and architectural style of the original dwellinghouse. Substantial weight is afforded to the SPD as a material planning consideration.

The proposed two-storey rear extension would be a continuation of the existing two-storey rear projections from both Nos. 106 and 108 Hindes Road. The two storey rear extension, whilst acknowledged as being large in itself, would sit within a very large site. Both Nos 104 and 110 Hindes Road have two-storey outriggers, with No. 104 Hindes Road having a further single storey rear extension beyond the two-storey element. It was noted on site that the rear of the property is industrial in use, with a large workshop shed in the south-western corner, and workshop garaged on the southern boundary. These buildings are not proposed to be altered under this application, and would continue to be accessed via the shared access between No. 104 & 106 Hindes Road. The proposed two storey rear extensions are considered to not appear out of character with the prevailing pattern of development within the immediate vicinity. Furthermore, the proposed extensions would continue the clean lines of the existing rear outrigger projection, and are considered to be appropriate in depth and bulk and would therefore not unacceptably harm the character of the existing host buildings or property.

Careful consideration must be given to a proposal which would be proposing the alteration to the roof, as it can have a significant impact on the dwelling and the surrounding streetscene. Paragraph 6.69 of the SPD states that the preferred form of roof alteration to terraced properties is the extension of a hipped roof to form a gable with the addition of a rear roof extension (or rear dormer window). The proposed end gable and rear dormer is therefore acceptable.

The proposed dormer will be set up 0.8m from the eaves and down 0.3 from the original roof ridge. The rear facing dormer would be set in by 0.5m from the shared boundary with the neighbouring property at 104 Hindes Road. The proposal would not strictly comply

with paragraph 6.70 of the SPD. However, given the layout of the site and the ample setbacks the proposed rear dormer would not constitute an incongruous addition to the rear elevation of the building. Furthermore, these features would be significantly screened from the public realm. The proposed roof lights in the front roof slope would be in keeping with the character of the property and therefore would be acceptable.

The proposed front boundary wall would be modest in height at 0.6m in height, with two piers reaching a maximum height of 0.85m in height. The proposed boundary wall would provide separate access points from the highway to each of the front doors of the flats on the front elevation. The proposed front boundary would provide delineation between the private forecourt and public highway/footpath. It is considered that the front boundary treatment is appropriate and acceptable in this location.

The front elevation of the existing building would be altered to provide a more residential appearance to the property. The large shop windows would be replaced by residential style windows and front access doors. This would provide a more traditional residential appearance within the streetscene, which is noted as being common along this side of Hindes Road particularly. The proposed alterations to the front elevation are considered to be appropriate and acceptable within the front elevation of the application site and within the existing streetscene. It is considered reasonable that a condition be imposed requiring the materials used in the external alterations to be submitted to and approved in writing by the Council. This will ensure that they are appropriate and do not harm the appearance of the building or area.

Soft landscaping is proposed within the front forecourt which is encouraged. Details of this shall be secured by way of condition, and subject to this would enhance the appearance of the development from the public highway and streetscene.

Overall, it is considered that the proposal would have an acceptable impact on the appearance of the property and character of the area and would achieve a high standard of design in accordance with London Plan policy 7.4B and 7.6B, Core Strategy policy CS1.B, policy DM1 of the Harrow Development Management Plan (2013).

Residential Amenity

Impact of the Conversion on Host and Neighbouring Amenity

Policies DM1 and DM26 of the DMP both seek to “ensure that the amenity and privacy of occupiers of existing and proposed dwellings are safeguarded.

The first floor element of the two storey rear extension would increase the depth of the two-story outrigger a further 4.8m to the rear of the rear projection. At ground floor and first floor of the property at No. 110 Hindes Road are windows serving bedrooms on the common boundary facing rearward into the site. The existing outlook is considered to be relatively poor for both these rooms on the ground floor and first floor of No. 110 Hindes Road. Whilst it is acknowledged that the proposed two-storey rear extension is significantly deep, it is considered that the extension would not unacceptably exacerbate the current levels of outlook and light to these rooms. Furthermore, it is noted that the two-storey outrigger at No. 110 Hindes Road would not be as deep as the proposed rear extensions at the application properties, and the existing extension at No. 110 Hindes Road spays away from the two rear facing windows. In addition the set off of the extension from the common boundary, and the south facing nature of the rear elevation would ensure that poor levels of light would not be exacerbated.

To the east of the application property, No. 104 Hindes Road has been extended significantly to the rear, by way of a two storey rear extension, with a single storey rear extension to the rear of this. The proposed rear extension would not project deeper than the existing extensions at No. 104 Hindes Road. The single storey rear extension was granted planning permission (EAST/123/00/FUL) for the use as storage, which would be ancillary to the A1 commercial use on the ground floor of this property. At first floor there is a rear facing window at No. 104 Hindes Road, and it is not clear what this property would serve. However, given the oblique angle between it and the flank window at first floor serving the bedroom of proposed Flat 4, it is not considered that there would be an unacceptable level of overlooking or loss of privacy between the two properties. It is therefore considered that the proposed rear extension would not unacceptably harm the amenity of the occupiers of the property at No. 104 Hindes Road through a loss of privacy, outlook or light.

The rear facing window at proposed flat 5 at first floor of the application property would have a large elevation projecting rearwards immediately to the east of their rear facing living room window. As existing, this window serves a bedroom and has an elevation of 7.6m projecting from the eastern side of this window. The proposed layout would see this room become a living room, and would also become dual aspect with a large window on the front elevation serving this room. The extra 4.0m deep first floor rear extension would not unacceptably exacerbate this existing situation, indeed the revised internal layout of the proposed accommodation will improve the existing situation. Furthermore, there is not a first floor rear projection immediately on the common boundary at No. 110 Hindes Road, and the one that is present is noted as splaying away from the application site the deeper it projects into the site. It is therefore considered that the proposed extension would not unacceptably harm the outlook and access to light to this habitable room.

The proposed hip to gable loft conversion would be located on the eastern edge of the property. It is not proposed to insert a window in the gable end wall. It is therefore considered that there would be no unacceptable loss of amenity to the occupiers to the west through any loss of outlook or privacy.

The proposed rear facing dormer window would be appropriately located within the rear facing roof slope and would have a conventional window in the rear elevation. The rear facing window would replicate the existing situation on the first floor, and as such would not exacerbate any loss of privacy or overlooking to adjoining properties.

Two roof lights are proposed at the front overlooking the public highway. The siting and positioning within the roof slope, and the traditional residential relationship between properties facing each other over a public highway, there would not be any unreasonable harm to opposite properties by way of a loss of privacy.

It is therefore considered that, the proposed extensions would not unacceptably harm the amenity of future occupiers of the development or the neighbouring properties through any loss of light, outlook or privacy. The proposed extensions are therefore considered to be in general accordance with policies 7.3, 7.4 of the London Plan (2011), policy DM1 of the DMP (2013), and the Residential Design Guide SPD (2010).

It is likely that up to a maximum of 11 people would occupy the six flats. The proposed conversion could result in a marginal increase in the use profile of the property. However, any disturbance or activity arising from the proposed conversion would still be residential and minor in scale, and not discernible from the use of the property which already has the

first floor occupied as flats with between 6 – 7 occupiers existing. It is therefore considered that unreasonable impacts arising from the nature of the use of the property would not arise.

Room Size and Layout

Policy 3.5C of The London Plan specifies that Boroughs should ensure that, amongst other things, “new dwellings have adequately sized rooms and convenient and efficient room layouts”. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA’s as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. Policy DM26 of the DMP specifies that “proposals will be required to comply with the London Plan minimum space standards.

In view Policy 3.5C of The London Plan (2011), and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London’s Housing Supplementary Planning Guidance (SPG) (November 2012). As an SPG, this document does not set new policy. It contains guidance supplementary to The London Plan (2011) policies. While it does not have the same formal Development Plan status as these policies, it has been formally adopted by the Mayor as supplementary guidance under his powers under the Greater London Authority Act 1999 (as amended). Adoption followed a period of public consultation, and it is therefore a material consideration in drawing up Development Plan documents and in taking planning decisions.

The Mayor’s London Housing Strategy (LHS) focuses on affordable housing provision and highlights the importance of improving design quality, space standards and the design process to support this. Furthermore the Mayor of London Housing Supplementary Planning Guidance (2012) provides requirements for new residential developments to achieve a high quality of design and living space for future occupiers.

The table below illustrates the extent to which the proposed development would comply with the recommended room sizes of the London Housing Supplementary Planning Guidance (2012).

	Gross Internal floor Area (LP requirements)	Kitchen/Living/Dining (LP requirements)	Bedroom (LP requirements)
Flat 1 (1 bedroom, 2 person)	77.61sqm (50sqm)	37sqm (23sqm)	(18sqm)
Flat 2 (1 bedroom, 2 person)	59.9sqm (50sqm)	29sqm (23sqm)	16sqm (12sqm)
Flat 3 (1 bedroom, 2 persons)	59sqm (50sqm)	28 (23sqm)	21.2 (12sqm)
Flat 4 (1 bedroom, 2 persons)	49sqm (50sqm)	26.66sqm (23sqm)	12.9sqm (12sqm)
Flat 5 (1 bedroom, 2 persons)	55sqm (50sqm)	22sqm (23sqm)	20sqm (12sqm)
Flat 6 (Studio)	35sqm (37sqm)	N/A	N/A

As noted within the table above, flat 4 (1sqm) and flat 6 (2.0sqm) are all below the

minimum gross internal floor area. As mentioned previously any departure from meeting the gross internal floor area must have a satisfactory justification. This would often be to provide accommodation of exceptional quality in terms of layout and outlook. Whilst both flat 4 and flat 6 (studio) are below the minimum gross internal floor area, it is noted that each shortfall is relatively minor. Furthermore, each of these flats would have a layout that would provide for a useable and functional unit, and would each receive an adequate level of daylight and outlook. In addition, each of the individual rooms sizes have been demonstrated to exceed the minimum standards.

Flat 5 is shown to have a combined living/kitchen/dining area that is 1sqm short of the required gross internal minimum floor area for a one-bedroom, two person flat. Notwithstanding this, the proposed kitchen/living/dining area has an adequate layout, and provides a functional and useable space. Furthermore, this living space is dual aspect and would receive a satisfactory level of light. IN addition that proposed bedroom is 8sqm larger than the minimum standard. It is therefore considered that notwithstanding the minor shortfall in the living/kitchen/dining room area, it would still provide satisfactory level of living accommodation for future occupiers.

The proposed living accommodation is therefore considered to be in general accordance with policy 3.5 of The London Plan 2011, standard 4.4.1 of the Housing SPG (2012), policies DM1 and DM26 of the Harrow DMP (2013), and paragraph 5.10 of the Residential Design Guide SPD (2010).

Layout and Stacking

Paragraph 5.12 of the Residential Design Guide SPD specifies that ‘the vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Where possible, the horizontal arrangement of rooms between flats in a block should also avoid bedrooms adjoining neighbouring living rooms, kitchens and bathrooms, as well as communal areas such as halls and stairs’.

The proposed layout of the units would for the most provide adequate layout and access to light. The proposed plans indicate that there would be suitable vertical stacking between the proposed units, with ‘like for like’ rooms proposed above and below each other. Given this relationship, it is considered that there would be no unreasonable transfer of noise vertically between the proposed units. It is therefore considered that the proposed layout of the flats would accord with policies DM1 and DM26 of the Harrow DMP (2013), paragraph 5.12 of the Council’s adopted SPD – Residential Design Guide (2010).

Refuse Storage

Policies DM26 of the DMP requires that bin and refuse storage must be provided “*in such a way to minimise its visual impact if stored on forecourts (where such provision cannot be made in rear gardens), while providing a secure, convenient and adequate facility for occupiers and collection, which does not give rise to nuisance to neighbouring occupiers*”.

The proposed refuse storage would be located to the rear of the site in a secure location. Bins should be located as near to the highway as possible on collections days to accord with the Council’s refuse Code of Practice and Manual for Streets best practice guidance. It is considered that the proposed location for such facilities is acceptable in this instance.

Outdoor Amenity Space

Policy DM26 of the DMP also requires new development 'to make adequate arrangements for the provision of amenity space for future occupiers of the development'.

A small rear garden on the boundary with No. 110 Hindes Road has been provided as private amenity space for the occupiers of proposed unit 2 on the ground floor, which is able to be accessed directly from their living/kitchen area. No boundary treatment between this private amenity space and the communal space to the rear has been proposed. However, a condition is recommended to be imposed to require details of hard and soft landscaping.

Communal amenity space has been provided to the rear of the site. Again, there is no detail as to how this would be arranged or what landscaping would be proposed to ensure this is useable and functionable. However, a condition is recommended to be imposed to require details of hard and soft landscaping.

It is therefore considered that the amenity space proposed, subject to conditions, would provide adequate amenity space for the occupiers of the flats.

Given the above, it is considered that the proposal would have no significant adverse implications for host and neighbouring residential amenities, and would accord with policies 7.4B and 7.6B of The London Plan (2011), policies DM1 and DM26 of the DMP and the Council's adopted Supplementary Planning Document 'Residential Design Guide (2010)' in that respect.

Accessibility

Policy DM2 of the DMP and policies 3.5 and 3.8 of The London Plan (2011) seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.

Policy CS1.K of the Harrow Core Strategy requires all new dwellings to comply with the requirements of Lifetime Homes. Supplementary Planning Document *Accessible Homes* 2010 (SPD) outlines the necessary criteria for a 'Lifetime Home'.

The applicant has not set out in the accompanying Design and Access Statement and plans how the entire development would seek to achieve where possible, the compliance with Lifetime Homes Standards, in accordance with the Council's Supplementary Planning Document "Accessible Homes" (2010). However, the proposed ground floor plans demonstrate that the both proposed ground floor units exceed the gross internal floor minimum standards for their respective sizes. The applicant has provided evidence on the proposed ground floor plan to suggest that each of the two units would be capable of being wheelchair accessible. However, it is noted that the toilet/shower room for flat 1 would not be wheelchair accessible. Given that the unit is some 28msq larger than required for a one bedroom, two person flat, it is considered that this unit would be capable of being adapted to provide for a wheelchair accessible unit.

Wheelchair access to the first floor is not proposed, and as the property is currently set up it does not provide for this. Lifetime Homes (LH) standards are outlined so that they should be applied where applicable. This means that where access is negotiated via stairs, issues such as a level access clearly cannot be considered but other LH standards should be. In this instance it is considered unreasonable to require level access and

wheelchair accessibility for the first floor flat to be met.

It is therefore considered that the development would accord with the principles and objectives of Lifetime Homes and policies 3.5.B/C/D, 3.8.B and 7.2.C of The London Plan 2011, policy DM2 of the Harrow DMP (2013), and the Council's adopted SPD: Accessible Homes 2010.

Traffic and Parking

Policies DM26 and DM42 of the DMP give advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

The proposal would provide two (disabled) car parking spaces, which the Highways Authority points out would be acceptable in the context of the site. The location of the site is relatively near public transport and the area is well controlled on-street in terms of a Controlled Parking Zones.

The applicant has proposed a secure bicycle rack and has demonstrated space for eight bicycles, which is noted as exceeding the London Plan (2011) requirements.

The existing kerb located in front of the property would be reinstated, with the hard standing immediately in front of the building to be landscaped. The dropped kerb to the north of the property would be retained to provide vehicular access to the rear of the site.

The development would not result in any significant increase in traffic movements from the site or unreasonable impacts on highway safety and convenience, and would therefore accord with policies DM26 and DM42 of the DMP.

Equalities

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is not considered that there are any equality impacts as part of this application.

S17 Crime & Disorder Act

Policy 7.3.B of The London Plan 2011 requires new development to ensure that places and new dwellings are secure and safe and development would not adversely impact on safety in the surrounding areas. It is considered that no adverse issues in respect of crime and safety would occur.

Consultation Responses

None.

CONCLUSION

The proposed development would constitute large additions to the rear of the application site. However, it has been found that on balance the extensions would not unacceptably harm the character or appearance of the building or streetscene. Furthermore, the proposed development has not been found to unacceptably harm the amenity of neighbouring occupiers. In addition, the proposed flats have been found to provide a satisfactory level of accommodation for future occupiers of the property.

For these reasons, 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, on balance this application is recommended for grant.

CONDITIONS

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

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

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

REASON: To safeguard the appearance of the locality in line with the requirements of policy DM1 of the Development Management Policies Plan (2013).

3 Prior to the occupation of the flats hereby permitted, details of the hard and soft landscaping shall be submitted to, and approved in writing by the Local Planning Authority. The details shall include:

a: Plant selection comprising predominately native species appropriate to and applicable for aspect and use to encourage biodiversity

b: An agreed mix of species to be planted within the first planting seasons as agreed in writing by the Local Planning Authority, following practical completion of the building works.

c: boundary treatment around the rear communal amenity space and private amenity space for flat 2 on the ground floor.

The development shall be carried out in accordance with the details approved, and shall thereafter be retained in that form, unless otherwise agreed in writing with the local planning authority.

REASON: To ensure that the green roof would have an acceptable appearance on the character and appearance of the locality in the longer term, thereby according with policies 5.3.B/C and 7.4.B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and policy DM1 of the Harrow Development Management Local Policies Plan (2013).

4 All planting, seeding or turfing comprised in the approved details of landscaping plans 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, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012 and policy DM1 of the Harrow Development Management Local Policies Plan (2013).

5 The development hereby permitted shall be carried out in accordance with the following approved plans: 2602-01/MP, 2602-02/MP(REV A), 2602A-03/MP (REV G), 2602A-04/MP (REV E), 2602-05/MP(REV C), 2602-06/MP(REV C), 2602-07/MP(REV B), 2602-08/MP, 2602-09/MP, 2602-10/MP, Design & Access Statement.

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

INFORMATIVES:

1 INFORMATIVE:

The following National Planning Policy, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the policies within the Harrow Development Management Plan (2013), are relevant to this decision:

National Planning Policy Framework 2012

The London Plan 2011: 3.3, 3.4, 3.5, 3.8, 6.13, 7.2, 7.4.B, 7.6.B.

The Harrow Core Strategy: CS1.B

Development Management Policies Local Plan (2013): Policies DM1, DM2, DM26, DM38, DM42.

Supplementary Planning Document: Residential Design Guide 2010

Supplementary Planning Document: Accessible Homes 2010

2 INFORM_PF1

Grant with pre-application advice

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

3 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

4 PARTY WALL ACT:

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

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

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

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

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

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237
Textphone: 0870 1207 405
E-mail: communities@twoten.com

5 GLA Community Infrastructure Levy (CIL) Contribution (provisional): £9,212.00
Please be advised that approval of this application by Harrow Council will attract a liability payment of £9,212.00 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008. The charge has been calculated on the proposed net increase in floorspace.

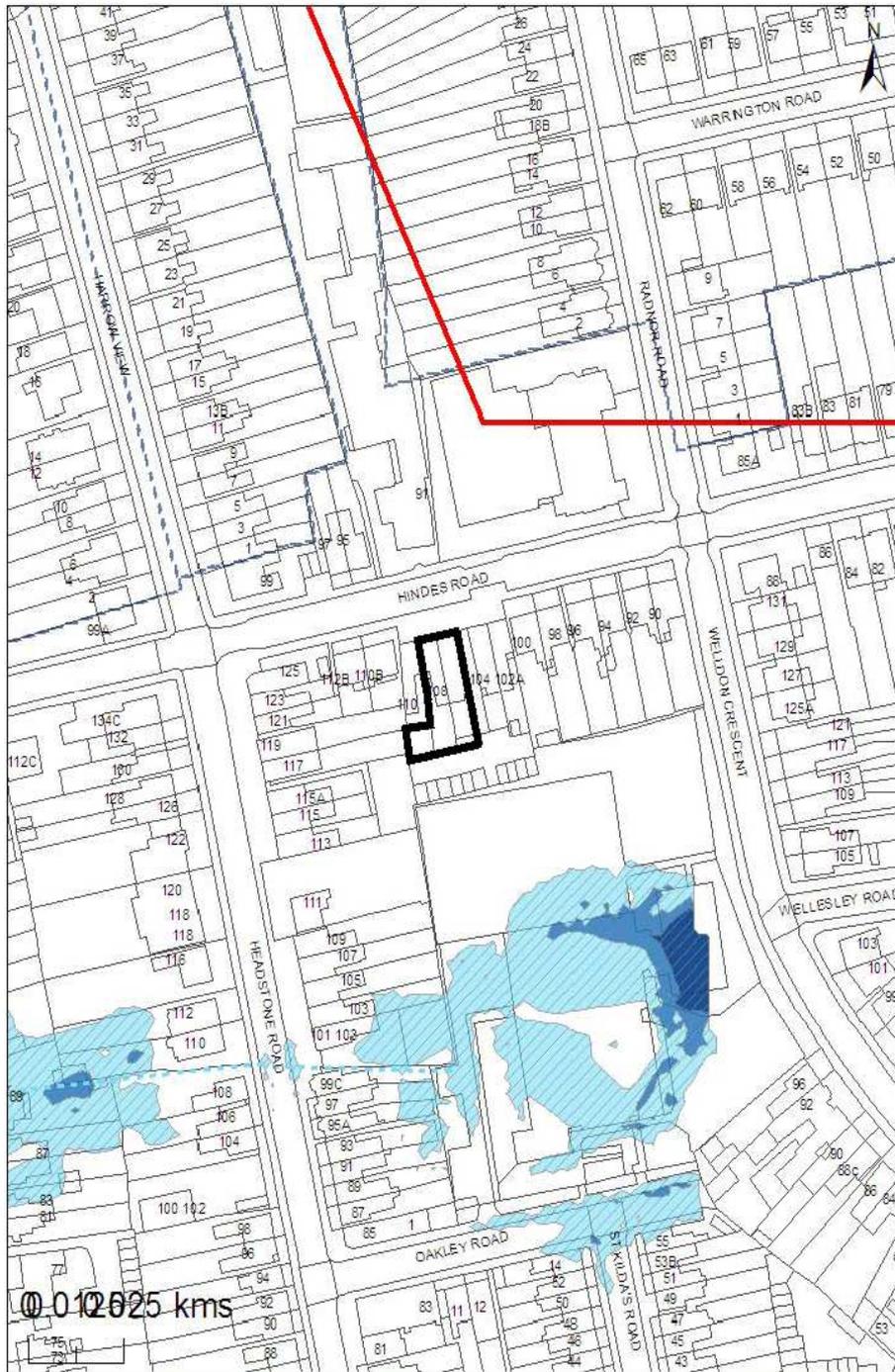
Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of £9,212.00 for the application, based on the levy rate for Harrow of £35/sqm and the calculated net additional floorspace of 263.2sqm.

You are advised to visit the planning portal website where you can download the appropriate document templates.

Plan Nos: 2602-01/MP, 2602-02/MP(REV A), 2602A-03/MP (REV G), 2602A-04/MP (REV E), 2602-05/MP(REV C), 2602-06/MP(REV C), 2602-07/MP(REV B), 2602-08/MP, 2602-09/MP, 2602-10/MP, Design & Access Statement.

106-108 HINDES ROAD, HARROW



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Item No: 2/09
Address: WILLOW COTTAGE, HILLSIDE ROAD, PINNER
Reference: P/0934/13
Description: RETROSPECTIVE APPLICATION FOR A LOFT CONVERSION WITH PROPOSED ALTERATIONS TO REDUCE THE SIZE OF THE UNAUTHORISED SIDE AND REAR DORMERS; REMOVAL OF ONE OF THE FLAT ROOFED REAR DORMERS; REMOVAL OF 18 OF THE 26 UNAUTHORISED ROOFLIGHTS; INSERTION OF 2 ADDITIONAL ROOFLIGHTS; REPLACEMENT OF UNAUTHORISED PANTILES WITH CLAY TILES ON ROOF
Ward: PINNER
Applicant: MR SABRI KARIM
Agent: SCP ARCHITECTS
Case Officer: SARAH MACAVOY
Expiry Date: 07/06/2013

RECOMMENDATION

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

INFORMATION

The application is reported to the Planning Committee due to significant level of public interest in this application. This application was deferred at the previous Planning Committee (dated 10 July 2013) for a site visit, which took place on 29th August 2013.

Statutory Return Type: 21 Householder development

Council Interest: None

Net additional Floorspace: 93sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): Nil

Site Description

- Willow Cottage is situated on the south eastern side of Hillside Road within Pinner Hill Estate Conservation Area and on Green Belt land and is set within a large site to a width of approximately 40m.
- Dwelling is set back a minimum of 7m from the front boundary.
- The property has a large double garage, a single storey side extension, a two storey side extension, projecting first floor rear extension over the colonnade (on the north/western edge of the building) and large side and rear dormers (subject of this application).
- The adjacent detached property to the northeast is Heatherlaw. It has a single and two

storey side extension, front dormer, detached double garage and a single storey rear extension.

- The adjacent detached property to the southwest is Madalane House (previously known as Eleven Trees). It has an outbuilding in the rear garden, a two storey side extension with roof dormers and a double garage.
- Hillside Road is characterised by detached properties of varying character and appearance.
- Monks Rest to the west on the opposite site of Hillside Road is a locally listed building.

Proposal Details

- One dormer is proposed on the rear roofslope. It would have a gabled pitched roof, have a height of 1.9925m, a depth of 2.8425, a width of 1.6225m, a volume of 2.5 cubic metres (approx.) and be set up 0.89m from the rear roofslope. It would be set away 3m from the side roofslope.
- The side dormer would be set up 0.8m from the roofslope and 1.12m from the roof edge. It would have a width of 1.6225m, a depth of 2.0175m, a height of 1.9925m and a volume of approximately 2 cubic metres. It would have a gabled pitched roof.
- The flat roofed rear dormer on the northern rear roofslope closest to the boundary with Heatherlaw would be removed.
- Removal of 18 of the 26 rooflights spread over the front, side and rear roofslopes. 8 rooflights spread over the front, side and rear roofslopes are proposed to be retained. 2 additional rooflights are proposed.
- The pantiles would be replaced by plain clay tiles.

Revisions to Previous Application

- N/A

Relevant History

LBH/35665 - Single and two storey side to front extension
GRANTED - 08/08/1988

LBH/9619 - Alterations and erection of two storey side extension to lounge with bedroom over.
GRANTED - 19/11/1973

P/2262/09 - Retention of rear dormer roof extensions and rooflights on front, side and rear roofslopes.
REFUSED - 15/12/2009

Reasons for Refusal (P/2262/09):

1. The rooflights, by reason of their number, design and siting, result in visually obtrusive and incongruous additions to the roofslope, to the detriment of the character and appearance of the original dwellinghouse, the Conservation Area and the Setting of a Locally Listed Building, contrary to London Plan policy 4B.1 and saved policies D4, D12, D14 and D15 of the Harrow Unitary Development Plan (2004).
2. The rear dormers by reason of their design, siting and bulk result in incongruous and disproportionate additions to the original dwellinghouse and therefore constitute inappropriate development in the Conservation Area, the Green Belt and the Area of Special Character, to the detriment of the character of the Conservation Area, the setting of a Locally Listed Building, the Area of Special Character and the character and

appearance and openness of the Green Belt, contrary to London Plan policy 4B.1, saved policies D4, D12, D14, D15, EP31, EP32 and EP34 of the Harrow Unitary Development Plan (2004), Planning Policy Guidance 2 (1992) and Supplementary Planning Guidance - 'Extensions: A Householders Guide (2008).

P/0362/10 - Retrospective application for a loft conversion with proposed alterations to reduce the size of the unauthorised side and rear dormers and to remove 17 of the 23 unauthorised rooflights and the rear dormer on the northern side of the rear roofslope.

REFUSED - 20 April 2010

APPEAL DISMISSED

Reason for Refusal (P/0362/10):

The proposed alterations to the side and rear dormers by reason of their design, siting and bulk would result in incongruous and disproportionate additions to the original dwellinghouse and therefore constitute inappropriate development in the Conservation Area, the Green Belt and the Area of Special Character to the detriment of the character and appearance of the Conservation Area, the Area of Special Character and the character and openness of the Green Belt, contrary to London Plan policy 4B.1, saved policies D4, D12, D14, D15, EP31, EP32 and EP34 of the Harrow Unitary Development Plan (2004), Planning Policy Guidance 2 (1992) 'Green Belts' and Supplementary Planning Guidance – 'Extensions: A Householders Guide (2008)'.

P/1297/10 - Retrospective application for a loft conversion with proposed alterations to reduce the size of the unauthorised side and rear dormers; retention of other rear dormer; removal of 14 of the 26 unauthorised rooflights; insertion of 1 additional rooflight; retention of existing first floor rear projection on columns; replacement of unauthorised pantiles with clay tiles on roof; two proposed front dormers

Appeal against non-determination

DISMISSED 31-May-2011

The planning committee resolved to refuse the application had it not been appealed against non determination on 9th February 2011

Reason for Refusal (had the application not been appealed against non-determination) agreed by the planning committee on 9th February 2011:

The proposed alterations to the side and rear dormers, the retention of the flat roofed rear dormer closest to the boundary with Heatherlaw and the proposed front dormers and rooflights, by reason of their design, number, prominent siting and bulk would result in visually intrusive, incongruous and disproportionate additions to the original dwellinghouse and therefore constitute inappropriate development in the Green Belt and fail to preserve or enhance the character or appearance of the Pinner Hill Estate Conservation Area and the Area of Special Character, contrary to Planning Policy Guidance 2 (1992) - Green Belts, policies HE7 and HE9 of Planning Policy Statement 5 (2010) – Planning for the Historic Environment, The London Plan (2008) policy 4B.1, saved policies D4, D12, D14, D15, EP31, EP32 and EP34 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document – Residential Design Guide (2010)

P/1469/11 - Retrospective application for a loft conversion with proposed alterations to reduce the size of the unauthorised side and rear dormers; retention and reduction in size of other rear dormer; removal of 17 of the 26 unauthorised rooflights; insertion of 1 additional rooflight; replacement of unauthorised pantiles with clay tiles on roof; one

proposed front dormer
REFUSED – 30 August 2011

Reason for Refusal:

The proposed front dormer and the retention of the flat roof dormer (with alterations proposed to reduce its height) closest to the boundary with Heatherlaw, by reason of their design and siting would result in visually obtrusive and incongruous additions to the roofslope, to the detriment of the character and appearance of the original dwellinghouse, the Conservation Area, the Harrow Weald Ridge Area of Special Character and the Setting of a Locally Listed Building, contrary to policies HE7, HE8 and HE9 of Planning Policy Statement 5, London Plan policies 7.4B, 7.6B and 7.8 and saved policies D4, D12, D14, D15 and EP31 of the Harrow Unitary Development Plan (2004), Supplementary Planning Document – Residential Design Guide (2010) and Supplementary Planning Document - Pinner Conservation Areas – Appendix 9 : The Pinner Hill Estate Conservation Area Appraisal and Management Strategy (2009).

Pre-Application Discussion

- N/A

Applicant Submission Documents

- Design, Heritage and Access Statement

Consultations

The Pinner Association: No comments received

CAAC: There were no proposed plans available online. The flat roof dormer would be of concern because it would bridge the valley at high level. It would appear odd.

Pinner Hill Residents Association: There is considerable opposition among residents to the development. This relates both to the fact that the work previously carried out was unauthorised and also to the visual effect of the development. The development is totally inappropriate to the Pinner Hill CA, to the Green Belt and to the area of special character. Specifically:

1. The proposed number of dormers and rooflights is excessive and disproportionate
2. The proposed siting of the dormers and rooflights is obtrusive
3. The style of the proposed dormers and rooflights is obtrusive and totally inappropriate to the property and the area.
4. The roof tiles used in the unauthorised work currently in situ are obtrusive and totally inappropriate to the property and the area.
5. The application does not appear to address the raising of the roof height which is obtrusive.
6. The application does not appear to address the new front door porch which appeared as part of the unauthorised works. The porch is totally out of keeping with the original property and is totally inappropriate to the area.
7. The extent of the paved drive to the front of the property is excessive when compared to other properties on the Estate.

The PHRA trusts that the Council will adopt an approach consistent with the Pinner Hill Conservation Area appraisal and Management Strategy 2009 insofar as it relates to dormers, rooflights and roofing tiles.

Pinner Hill Conservation Society – The enforcement action of the 26 unauthorised roof

lights, dormer windows and detached boiler room (which actually wrongly overhangs the neighbours property) is being constantly delayed by a plethora of revised applications and appeals. The LPA should take decisive action to ensure compliance and claim costs. The applicants are obviously abusing the system.

Permission should not be granted. The problem with this site is that it has already been (more than 10 years ago) the subject of a massive extension on its eastern side and at the rear. This took the property very close to the boundary and one has to wonder whether the implications of the extensions were thought out then as they produced a lop sided building too close to the boundary. However there is no doubt that the then owners got permission for the maximum amount of new floor space they could.

Further extensions should therefore not be permitted under any circumstances. Any new application should be declined save in the most exceptional circumstance.

The proposals do not preserve or enhance the conservation area. In fact the development will harm and detract from the openness and rural feel of the area, lead to cramping, cluttering and represent overdevelopment.

It will be dominant and overbearing and would not be in keeping with the remainder of Hillside Road which is one of the rare unspoilt parts of the conservation area.

The Council should note that site notices have not been displayed on or near the site.

The time for compliance with the enforcement notice must have expired long ago and the Council should take immediate steps to ensure compliance and not defer the same just because it has received another doomed application. This application is an abuse of process deigns to slow now what is the overdue enforcement action.

Advertisement

Character of a Conservation Area and Setting: 22 May 2013

Site Notice

Character of a Conservation Area: Expiry: 22 May 2013

Notifications

Sent: 10

Replies: 4

Expiry: 22-5-13

Summary of Responses

- It appears that the same retrospective application submitted a year or two ago from which no action has been taken.
- The massive, illegal alterations done without any approval are out of keeping with:
 - i. Hillside Road
 - ii. The Conservation Area
 - iii. Disregard for the bulk of the house on its neighbours.
 - iv. The removal of 18 unauthorised roof lights leaving 8, then adding 2 more rooflights to equal 10 should not be accepted by your Dept.
 - v. Willow Cottage is just one example of the increasing disregard for this cherished conservation area and neighbour hopes that the Council will come down hard on new owners and their advisors running roughshod over Pinner Hill.
- No windows overlooking neighbouring garden will be acceptable. The same applies

for any windows on the front elevation. These are overbearing and oppressive to the gentleman across the road who was unable to write in himself.

- The boiler vent encroaching upon neighbouring boundary is unacceptable. There is constant steam coming from the boiler vent which is unsightly and rather unpleasant.
- Neighbour is worried that with so many applications and appeals on the site one may slip through unnoticed.

In support

- The changes are acceptable to us
- A petition containing 5 signatures was received in support of the application.

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

Green Belt and Area of Special Character

This application site had already been significantly extended prior to the construction of the dormers. There are existing single and two storey front and side extensions, a double garage extension and a first floor extension on columns.

Policy DM6 of the Development Management Policies Local Plan (2013) refers to areas of special character. It states that proposals affecting an area of special character will be considered having regard to the impact of the proposal upon the strategic value of the area of special character, the desirability of preserving or enhancing the environmental, architectural, historic and landscape features that contribute to an the area of special character and the protected views to and from the areas of special character.

Part 9 of the NPPF (Protecting Green Belt Land) refers to the importance of Green Belts. It goes on to say that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

An overarching principle (page 6) of the Harrow Core Strategy refers to resisting any loss of green belt.

Policy DM16 of the Development Management Policies Local Plan (2013) refers to the Green belt and states that "The National Planning Policy Framework (2012) continues to

protect the Green Belt from inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. The construction of most types of new building in the Green Belt is inappropriate development, and will be resisted unless there are very special circumstances which outweigh the harm to the Green Belt. The Framework defines the types of new building and other forms of development that need not constitute inappropriate development within the Green Belt. London Plan Policy 7.16 is also relevant to proposals in the Green Belt”.

The table below summarises changes to the dwellinghouse since 1948.

	Original (1948)	Prior to dormer extensions	% Increase Over Original	Proposed	% Increase Over Original
Footprint (m²)	91.37	259.05	184%	259.05	184%
Floor Area (m²)	182.74	407.55	224%	525	288%

The original house had a volume of 683.05 cubic metres. The house has been greatly extended since this time pursuant to the planning permissions listed in the Planning History above. The dormers subject to this application projection would increase the volume of the original house by approximately 5 cubic metres or approximately 0.7%, which is considered to be a very small increase in volume.

The overall footprint of the original dwelling was 91.37m². The footprint of the extended dwelling prior to the construction of the dormers increased the overall footprint by approximately 167.68m² or 184%, but no additional footprint would be created by the dormer extensions. An additional footprint of 13.39 square metres was created by the retention of the first floor rear projection on columns.

The floor area of the dwellinghouse has increased as a result of the construction of the dormers. The floor area of the original house was 182.74 square metres. The original floor area increased to 420.9 square metres prior to the construction of the dormers (including the first floor rear projection on columns), which was a 224% increase in floor area from the original dwellinghouse. With the reduced dormers, the floor area of the dwellinghouse would be 525 square metres. This results in an increase in floor area from the original dwellinghouse of 288%.

It would appear that following enforcement investigations that the first floor extension on columns at the rear does not have planning permission. However, it would appear that, on the balance of probabilities, the extension has been there for more than 4 years and is immune from Enforcement Action. The Inspector in his decision (Ref: APP/M5450/A/10/2143168) therefore took this to be the case and did not assess the existing first floor rear projection on columns. As such, this does not form part of the assessment of this application. Nonetheless, its existence needs to be taken into consideration and the footprint, volume and floor areas needs to be considered in relation to the NPPF as it is a development that has enlarged the original dwellinghouse.

The inspector (in the appeal decision prior to the most recent appeal: REF: APP/M5450/A/10/2127215, stated that the changes to the ‘pre-existing’ state of the property and in particular its roofscape do not harm the openness of the Green Belt, and on this basis it is considered that an objection on these grounds could not reasonably be

sustained. The Inspector in the most recent appeal confirmed this view.

The revised size and reduced numbers of the dormers is considered to overcome the previous reason for refusal involving inappropriate development in the Green Belt. The dormers would be subordinate features in the roof slopes and as such are considered to be acceptable. Therefore, in terms the impact on the Green Belt, the proposal is in compliance with London Plan policy 7.16 and Policies DM6 and DM16 of the Development Management Policies Local Plan (2013) and the NPPF.

Character and Appearance of the Locally Listed Dwellinghouse and that of the Conservation Area

Policy 7.8 of The London Plan (2011) which seeks to ensure that development should respect local context, history, built heritage and communities amongst other issues. The London Plan (2011) was adopted in July 2011. Paragraph 6.45 of the Supplementary Planning Document – Residential Design Guide 2010 (SPD) relates specifically to detached and semi-detached houses and states that the primary considerations are the character of the locality and space around the building.

CS1.D refers to resisting proposals which would harm the significance of heritage assets including their setting. DM Policy 1 refers to achieving a high standard of development and DM Policy 7 refers to conservation areas and ensures that substantial weight will be given to the preservation or enhancement of the character or appearance of the areas.

Willow Cottage is situated within the Pinner Hill Estate Conservation Area, which is characterised by large residential villas of high architectural quality.

Willow Cottage is an early 20th century building, which is considered to be a building which preserves the Conservation Area.

The Pinner Hill Conservation Area Appraisal and Management Strategy, which was adopted on 17 December 2009 is relevant to the Pinner Hill Conservation Area, of which this site is a part. In addition to the above, saved policy D15 states that extensions and alterations in Conservation Areas should comply with six specific criteria which relate to site circumstances, building materials, the character of the locality and design.

Whilst the Design and Access Statement mentions that some aspects of this development cannot be seen from the streetscene, paragraph 4.55 of the Harrow UDP states that ‘the Council considers that other, more private, viewpoints [within conservation areas] are also of importance’.

The Inspectors in both Appeal Decisions noted that the overall form and appearance of the dormers would harm the character and appearance of the property and its contribution to the Conservation Area.

The small pitched roof dormer on the side roof slope and the small pitched roof dormer on the rear would appear as subordinate features in the roof slope and would not unduly harm the character of the house or that of the Conservation Area. The Council’s Conservation officer has not objected to these dormers. As such they are considered to be acceptable.

The flat roof rear dormer closest to the boundary with Heatherlaw deemed to be unacceptable in the previous applications on the site due to its plain and bulky design has

been removed from the current application. The front dormer proposed in the previous application which was considered to be unacceptable in the previous application has also been removed from this application meaning that the reasons for refusal contained in the previous application have been removed from this application. No new site circumstances or other material planning considerations have arisen since this previously refusal that introduce any new reasons for refusal. Therefore the proposal is considered to be acceptable.

A sample of the proposed clay tiles on the roof has been recommended as a condition on this application to ensure that the character of the conservation area and the locally listed building: 'Monks Rest' would be preserved.

It is considered that the retention of 10 of the 26 rooflights would preserve the character or appearance of the Conservation Area and the local historic or architectural interest of the locally listed building: 'Monks Rest' as they are solely located on the side and rear roof slopes and therefore would not be unduly intrusive when viewed from the road.

It is considered for these reasons that the proposal would preserve the character and appearance of the conservation area, and the adjacent locally listed building in accordance with London Plan policies 7.4B, 7.6B and 7.8C, Harrow Core Strategy (2012) CS1.B/D and Supplementary Planning Document – Residential Design Guide (2010) and policies DM1 and DM7 of the Development Management Policies Local Plan (2013).

Residential Amenity

Willow Cottage is situated on a large site and the dormer extensions are situated well away from adjacent dwellinghouses (minimum 20m). It is considered that they do not have an undue impact on the residential amenity of neighbouring occupiers. It is therefore considered that there is no unreasonable harm to the amenities of the occupiers neighbouring dwellings with regard to overlooking and loss of light/overshadowing.

S17 Crime & Disorder Act

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

Equalities Statement

Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. The equality impacts of the proposal due to it being a house holder extension would have no impact on equalities.

It is considered that the proposal would have no impact with regard to section 149 of the Equalities Act 2010.

Consultation Responses

- This application is different to the other applications assessed by the council as the rear flat roof dormer and the front dormer have been removed in the current application which were the reasons for refusal of the previous application.
- The impact of the proposals on the character of the conservation area, the area of special character and the greenbelt have been assessed in the report above.
- Every application must be assessed on its merits. The new application having addressed the previous reasons for refusal is considered to be acceptable.
- The boiler vent encroaching upon the neighbouring boundary does not form part of this planning application and therefore has not been assessed. Boiler vent overhangs are not material planning considerations. Instead they are considered to be a civil matter.
- Applications do not slip through the Council un-noticed. Once they are received they are registered then passed to a planning officer to process. A decision is subsequently made.
- The roof tiles used in the unauthorized work are proposed to be replaced with clay tiles during the course of this application.
- The alleged raising of the roof height does not form part of this application and therefore has not been assessed. This matter has been passed to the Planning Enforcement team to investigate.
- The alleged front porch and paving do not form part of this application and therefore have not been assessed. These matters have been passed to the Planning Enforcement team to investigate.
- A site notice was displayed on the site. This was put up on 1 May 2013.
- It would be pointless and costly for the Council to undertake enforcement action if a suitable proposal is being processed.

CONCLUSION

Having assessed the proposed development against the policies and proposals in the Development Plan and other material considerations, it has been determined that the proposed development would not unduly impact on the character of the conservation area, the area of special character, the green belt or the amenity of occupiers of any neighbouring land. The application is therefore recommended for approval.

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)

b: the new roof tiles

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

REASON: To ensure the external materials of the development match those used in the existing dwellinghouse and to ensure the materials to be used for the driveway are appropriate in order to preserve the character and appearance of the Mount Park Estate

Conservation Area in accordance with policy DM1 and policy DM7 of the Harrow Development Management Policies Local Plan (2013).

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

REASON: To protect the amenities of the neighbours with regard to overlooking in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4 The development hereby permitted shall be carried out in accordance with the following approved plans: Design, Access and Heritage Statement – Rev A; ALGA0001 Rev D; ALGA0002 Rev D; ALGA003 Rev F; ALPL001

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

INFORMATIVES

1 The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), the policies of The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 and the Harrow Core Strategy (2012) as well as to all relevant material considerations including any responses to consultation. The development would have an acceptable impact on the appearance of the house, the conservation area, the area of special character, the greenbelt and the adjacent locally listed building. There would not be any unreasonable harm on the residential amenities of the occupiers of the neighbouring properties.

The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2011) : 7.4B, 7.6B, 7.8C/D, 7.16

Harrow Core Strategy (2012) CS1.B/D/F; CS.2

Harrow Development Management Policies Local Plan (2013): DM1, DM6, DM7, DM16

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document - Pinner Conservation Areas – Appendix 8 - The Pinnerwood Farm Conservation Area Appraisal and Management Strategy (2009).

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>

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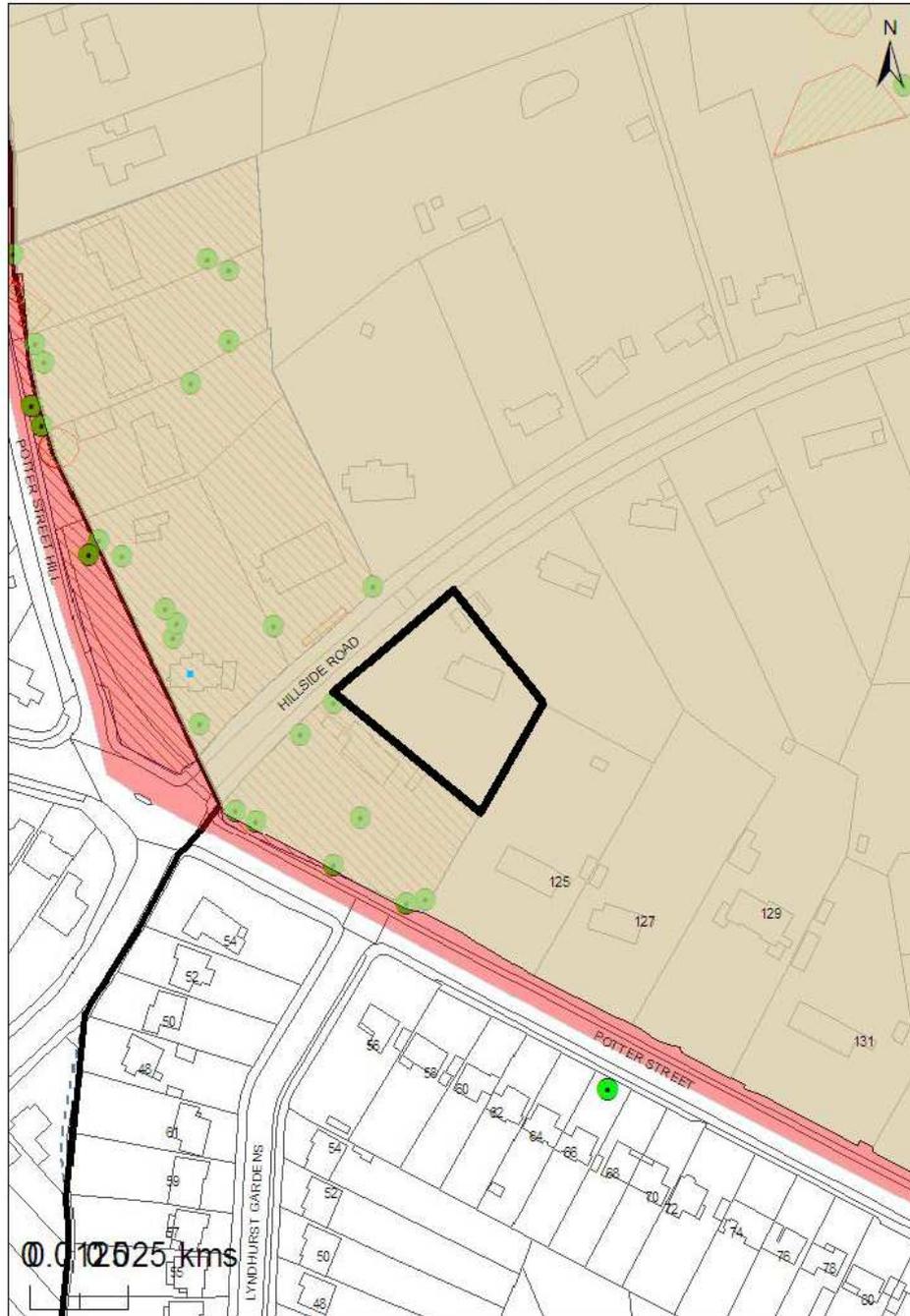
E-mail: communities@twoten.com

4 GRANT WITHOUT PRE-APPLICATION ADVICE

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Plan Nos: Design, Access and Heritage Statement – Rev A; ALGA0001 Rev D;
ALGA0002 Rev D; ALGA003 Rev F; ALPL001

WILLOW COTTAGE, HILLSIDE ROAD, PINNER



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Item No. 2/10

Address: THE EASTCOTE ARMS PUBLIC HOUSE, EASTCOTE LANE, SOUTH HARROW

Reference: P/0027/13

Description: CHANGE OF USE OF FIRST FLOOR FROM ANCILLARY RESIDENTIAL ACOMMADATION FOR A PUBLIC HOUSE (USE CLASS A4) TO MULTIPLE OCCUPANCY FOR UP TO 9 PERSONS (USE CLASS C4)

Ward: ROXETH

Applicant: EASTCOTE INVESTMENTS LTD

Agent: MR DAVID JOSEPH

Case Officer: CALLUM SAYERS

Expiry Date: 30 APRIL 2013

RECOMMENDATION

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

INFORMATION

The application is reported to the Planning Committee because the proposal involves the conversion of a building into more than six units and is therefore outside the parameters of category 1(e) of the Scheme of Delegation.

Statutory Return Type: 13: Minor Houses

Council Interest: None

Gross Floorspace: 0 sq m

Net additional Floorspace: 0 sq m

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A

Site Description

- The application site is occupied by the Eastcote Arms Public House, which is located on the south eastern side of the roundabout which forms the junction of Eastcote Lane, Field End Road, and Victoria Road.
- The site currently comprises the Eastcote Arms Public House which appears to be vacant (ground floor public house).
- The first floor is currently being used as a House of Multiple Occupancy.
- The first floor is currently laid out with eight bedrooms, five of which have ensuite bathrooms. None of the rooms have cooking facilities.
- The first floor has two communal bathroom/toilets and two communal kitchens.
- The Property is serviced by two crossovers with one located on the northern boundary

off Eastcote Lane and the second on the western boundary off Field End Road.

Proposal Details

- It is proposed to retain the first floor of the Public House as a House of Multiple Occupancy.
- It is proposed to have nine persons occupying the first floor within six separate rooms.

Relevant History

WEST/172//99/FUL

Porch at Rear

Grant – 12/04/1999

P/166/04/DAD

Two externally illuminated poster frames on wall; non-illuminated poster on wall and on post sign

Grant – 07/04/2004

P/3646/06

Decking at front with access ramp, alterations and retractable canopy

Grant – 15/03/2007

P/2495/12

Removal of existing bollards and erection of 1.52m high metal fence and gates to front boundary.

Grant – 29/11/2012

Applicants Submission Documents

- None

Consultations

Highways Authority: No Objection.

Drainage Engineer: No Objection, Subject to Conditions

South Harrow and Roxeth Residents Association: No Comment

Environmental Health (Licensing): No Objection

London Borough of Hillingdon: No Comment Received

Notification:

Sent: 42

Expiry: 20th May 2013

Responses received: 0

Notified Neighbours:

401, 401a, 403, 403a 405a Eastcote Lane, Harrow, HA2 8SE

2a, 4, 6, 8 Holyrood Avenue, HA2 8TP

Flats 1, 2, 3, 4, 5, 6, 777 Field End Road, Ruislip, HA4 0QL

777, 777a, 781, 783, 793 Field End Road, Ruislip, HA4 0QL

Garages Rear of 793 Field End Road, Ruislip, HA4 0QL

Flats 15 – 28 Brookside Close, Harrow, HA2 9AW

Flats 14, 19, 24 Brookside Close, Harrow, HA2 9AW

Staff Flat, The Eastcote Arms Public House, Eastcote Lane, Harrow, HA2 8SE

Fishermans Cabin, 795 Field End Road, Ruislip, HA4 0QL

Summary of Response(s):

- None

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

Principle of Development
Residential Amenity
Traffic and Parking
Equalities Implications
S17 Crime & Disorder Act
Consultation Responses

Principle of Development, Character and Appearance of the Area

Policies 3.3.B and 3.8.B of The London Plan 2011 require new development to offer a range of housing choices whilst providing for Lifetime Homes and maximising the potential use of sites. Policy DM30 of the DMP (2013) provides requirements for the proposals that result in the creation of properties into houses of multiple occupation. Specifically, it requires that a) there is good accessibility of to local amenities and public transport; b) they accord with Accessible Homes Standards and provide satisfactory living conditions for the intended occupiers; and c) there will be no adverse impact on the amenity of the occupiers of neighbouring properties of the character of the area. These points will be addressed in full in the appraisal below.

Policy DM47A provides direction for proposals that would result in the loss of an existing community, sport or educational facility. Applications resulting in the loss of a Public House would be required to demonstrate that there is no longer a need for that facility, and provide satisfactory marketing evidence to this effect. The current application has changed the use of the first floor from ancillary residential accommodation to the public house, to a House of Multiple Occupancy (use class C4). The ground floor is currently vacant although has remained unchanged and capable of continuing to operate as a public house. However, the Council would need to be satisfied that the Public House on the ground floor would be able to function effectively, without unacceptable impacts on the occupiers of the house of multiple occupancy on the first floor. The use of the upper floors

of the public house for residential accommodation is considered to be acceptable, as a residential component has been present as ancillary to the public house. The residential use would continue, albeit with a more intense nature. It is therefore considered that the use of the first floor above the public house as a HMO would not result in unacceptable levels of noise and disturbance to the occupiers of that use. Furthermore, the use of the first floor as an HMO would continue to enable the ground floor of the public house to continue to operate.

Policy DM1 of the Harrow Development Management Policies Local Plan (2013) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and policy CS1.B of the Harrow Core Strategy 2012 which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm.

With regard to DM30(a), it is noted that there a small local shopping parade located on the ends of the site fronting onto Eastcote Lane. The small parade provides services such as a cafe, off-license and post office with a cash point machine. A second small parade is located on Field End Road, which includes some restaurants, an electrical store and hairdresser. A large format retail park is located on the southern side of Victoria Road, and provides Halfords and some furniture and carpet stores. It is considered that the level of facilities located in close proximity would provide for most day to day amenities for any further occupiers of the house of multiple occupancy. The Public Transport Accessibility Level (PTAL) for the area is set at 2, which means that the local has a poor level of public transport. However, it is noted that there are two Bus Stops within 50m of the site, one on Field End Road and another on Eastcote Lane. Furthermore, it is noted that there is sufficient parking on site that would allow for residents to park on site. It is therefore considered that the use of the first floor of the public house as a house of multiple occupancy would provide a satisfactory level of accessibility to local amenities and also to public transport.

In summary, the application to regularise the intensification of the residential premise is considered to be acceptable in principle. However, an assessment against the relevant policy context is required to ensure it is acceptable in all other aspects.

Residential Amenity

Policy DM30b requires that accommodation shall accord with Accessible Homes Standards and provide satisfactory living conditions for the intended occupiers.

The first floor of the Eastcote Arms Public House has historically been used as a residential use. However, the use of the property has increased in intensity to provide for an eight bedroom house of multiple occupancy. There historically has been no disabled access to the first floor, and it would be considered unreasonable to request that this be incorporated into the scheme now. However, the living accommodation should provide for ease of access for all within the private rooms and within the communal space. The existing staircase and corridors are both relatively wide, and as such would allow ease of manoeuvrability for occupiers with impaired mobility. Whilst not demonstrated on the proposed plans, each of the communal bathrooms could be capable of being adapted to ensure that they are able to useable for less able persons. It is therefore considered that the living conditions existing within the first floor house of multiple occupancy would be acceptable in terms of providing accommodation for persons who are less ably mobile,

and as such would comply with Policy DM30 of the DMP and Accessible Homes Standards (2010).

Six of the rooms that currently exist are 12sqm or above, each of these rooms would therefore meet the minimum requirement for a double room within the London Plan (2011).

Each of the rooms provided are considered to be of an adequate size and layout, and would allow for a satisfactory level of circulation within each room. The existing plans of the property do not provide for a communal living room. However, there are two communal kitchens for all occupiers within the property. Whilst it is desirable to have a communal living area for the occupiers of the first floor, most of the rooms are generous in size and would provide a satisfactory level of space for the occupiers. In addition, there are two communal kitchens which would appear to be satisfactory in size to provide for the occupiers of the first floor HMO. Furthermore, each of the rooms would receive a satisfactory level of daylight and outlook.

The layout currently does not provide for communal living rooms/lounge areas for the occupiers. The lack of such a communal area is considered to be unacceptable, as it would not provide a satisfactory level of accommodation for the occupiers of the units. Two kitchens have been provided, however there would be no dining area and occupiers would either have to eat in the kitchens in their bedrooms. The floor plans show that there are two single bedrooms located between the two communal kitchens. It is considered that the two bedrooms should not be used for sleeping purposes, and rather should provide for communal living areas for the occupiers of the first floor HMO. Accordingly, a condition is recommended to be imposed to require these two rooms to not provide sleeping accommodation, and that they are available for communal living space for the occupiers only.

It is considered, subject to conditions, that the use of the first floor of the Public House as a HMO would provide a satisfactory level of accommodation for occupiers, and would generally comply with the requirements and would therefore comply with policy 3.5 of The London Plan 2011, policies DM1, DM30 and DM47 of the Harrow DMP (2013), and the Residential Design Guide SPD (2010)

Neighbours Amenity

Policy DM30c of the DMP requires that the provision of large houses in multiple occupation shall not adversely impact on the amenity of occupiers of neighbouring properties or the character of the area. Policy DM1 further requires developments to not be harmful to the amenity of neighbouring occupiers.

The current application does not propose any external alterations to the existing building, only an intensification of the residential use of the first floor. The first floor is above a Public House (albeit vacant) which would in itself generate a relatively high level of activity to the site. Given this, the increase in residential use on the first floor would have a negligible impact on surrounding neighbouring amenities. Furthermore, there is a moderate number of commercial properties at ground floor along the parades fronting onto Eastcote Lane and Field End Road. Given the presence of these parades, it would again be considered that the impact of any increase in residential use to this property would be negligible. In addition the property is located on a relatively busy junction and is separated from the first floor residential properties fronting onto Eastcote Lane by the majority of the Public House car park.

It is therefore considered that the use of the property as an HMO would be acceptable and would not unacceptably harm the character of the area of the amenities of the neighbouring occupiers through an increase in noise and disturbance. It is therefore considered that the use of the first floor as an HMO would accord with policy 3.5 of The London Plan 2011, policies DM1 and DM30 of the Harrow DMP (2013), and the Residential Design Guide SPD (2010)

Traffic & Parking

Policies DM26 and DM42 of the DMP give advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

The Highways Authority have considered the application, and considered that on the basis of such a relatively minor increase in tenants to the property any impacts would be considered negligible.

The development would not result in any significant increase in traffic movements from the site or unreasonable impacts on highway safety and convenience, and would therefore accord with policies DM30 and DM42 of the DMP.

Flood Risk and Development

The Council's Drainage Team have commented on the application and given the location of the site within a flood risk area, have objected to the application raising concerns relating to the failure of the applicant to provide an appropriate means of egress from the property in the event of flooding. However, recognising the lawful use of the property has an ancillary residential component, it is considered that a refusal on this basis would be unreasonable as an appropriate flood resilience strategy could be secured by condition and potentially improve the safety of residential occupiers of the site in the event of flood. Given the likely increase the numbers of persons occupying the site, it is considered that a condition to ensure flood resilience would be reasonable and necessary. Accordingly, an appropriate condition has been recommended to ensure flood risk or safety of residential occupiers would not be exacerbated by the development. Though the condition only provides 28 days to provide appropriate measures, this is considered necessary given the retrospective nature of the application, and the applicant has agreed to such a condition.

It is therefore considered that, subject to a safeguarding condition, the development would not exacerbate flood risk to the area of to the development and would comply with NPPF and Policy DM9 of the Harrow DMP (2013).

Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in

particular any potential impact on protected groups. It is considered that this application would not have any impact on equalities.

S17 Crime & Disorder Act 1998

Policies 7.3.B and 7.13.B of The London Plan and policy DM2 of the DMP (2013) require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal.

It is considered that the development would not have any adverse impacts in this respect.

Consultation responses

None

CONCLUSION

The development is considered to provide a satisfactory level of accommodation for the occupiers of the House of Multiple Occupancy on the first floor of the Public House. Furthermore, the development would not have any unacceptable impact on the amenities of the neighbouring occupiers.

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

CONDITIONS:

1 Within 28 days of the development hereby permitted being approved a Flood Risk Assessment (FRA) detailing flood mitigation measures and evacuation procedures for occupants in the event of a flood shall be submitted to be approved in writing by the London Borough of Harrow. The measures shall be implemented as approved and be retained thereafter.

REASON: To ensure that persons and property are adequately protected with emergency procedures from the effects of flood risk following guidance in the National Planning Policy Framework and policy DM9 of the Harrow DMP 2013.

2 Notwithstanding the details shown on the approved plans, the applicant shall within three months of the date of this decision, submit annotated plans and/or an accompanying Lifetime Homes compliance statement demonstrating how (and to what extent) the development would comply with the Lifetime Homes Standard, has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details which shall be fully implemented within three months of that approval and shall retained as such thereafter.

REASON: To ensure provision of Lifetime Home standard housing in accordance with policies 3.1, 3.5, 3.8 and 7.2 of The London Plan (2011), saved policies D1 and D30 of the Harrow Development Management Policies Local Plan (2013) and Supplementary Planning Document: Accessible Homes (2010).

3 The two unnumbered single rooms located between the two communal kitchens shall not be occupied for sleeping purposes. The two rooms shall be made available to the occupiers of the HMO hereby approved for the use as communal living/lounge/dining area. The use of the rooms shall be retained as such thereafter and shall not be used as sleeping accommodation.

REASON:: To ensure an adequate level of accommodation for the occupiers of the HMO

hereby approved in accordance with policies DM1 and DM30 of the Harrow DMP (2013).

4 The number of occupants of the House in Multiple Occupation hereby permitted shall not exceed nine.

REASON: To ensure that the use of the property is not over intensive and in order to safeguard the amenity of neighbouring residents and the character of the locality in accordance with policy DM1 of the Development Management Policies Local Plan 2013.

5 The development hereby permitted shall be carried out in accordance with the following approved plans: g1102, 03, Site Location Plan (1: 500), Site Location Plan (1:1250).

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

INFORMATIVES:

1 INFORMATIVE:

The following the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012, the saved policies of Harrow's Unitary Development Plan 2004 and the emerging Development Plan Document: Development Management Policies are relevant to this decision:

National Planning Policy Framework 2012

The London Plan 2011: 3.3, 3.4, 5.12, 7.4

Harrow Core Strategy 2012: CS1.B

Development Plan Document Local Plan 2013: DM1, DM9, DM30, DM42

Supplementary Planning Document: Residential Design Guide 2010

Supplementary Planning Document: Accessible Homes 2010

2 Grant without pre-application advice

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

3 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

4 PARTY WALL ACT:

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

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

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

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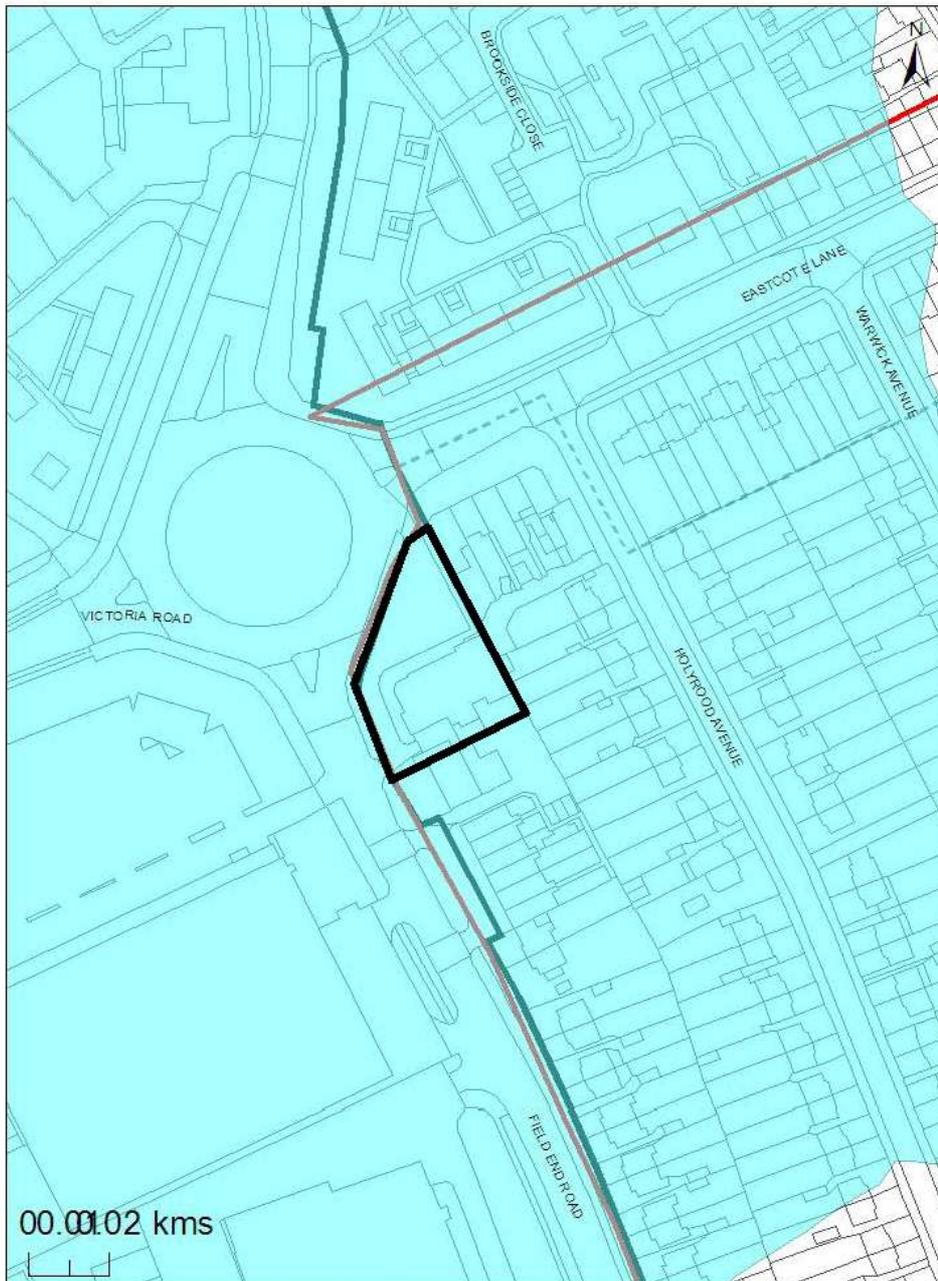
5 4 COMPLIANCE WITH PLANNING CONDITIONS

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

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

Plan Nos: g1102, 03, Site Location Plan (1: 500), Site Location Plan (1:1250).

EASTCOTE ARMS PUBLIC HOUSE, EASTCOTE LANE, SOUTH HARROW



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Item No. 2/11
Address: 57 CECIL PARK, PINNER
Reference: P/3277/12
Description: SINGLE STOREY SIDE EXTENSION
Ward: PINNER SOUTH
Applicant: GERALDINE CAPPER
Case Officer: CATRIONA COOKE
Expiry Date: 29/07/2013

RECOMMENDATION

GRANT planning permission subject to conditions:

INFORMATION

This application is reported to the Planning Committee at the request of a Nominated Member. A site visit to the property took place on the 29th August 2013.

Statutory Return Type: 21 – Householder Development

Council Interest: None

Net additional Floorspace: 28.9 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A

Site Description

- The application site comprises of a two storey semi-detached property on the northern side of Cecil Park.
- The subject dwellinghouse has an existing single storey rear extension within the tolerances of Permitted Development.
- Neighbouring property No.59 Cecil Park has an existing single storey rear extension of to a similar depth as the application site and a single storey side extension.
- Neighbouring property No. 55 Cecil Park is unextended.
- The site is located within the extended part of the Tookes Green Conservation Area.

Proposal Details

- The application proposes a single storey pitched roof side extension set back 0.9m from the main front building line.
- The extension would be 2.5m wide projecting the full depth of the property including the existing rear extension set in 0.9 m from the boundary with No.55 Cecil Park.

Revisions to Previous Application

- N/A

Relevant History

- n/a

Pre-Application Discussion (Ref.)

- n/a

Applicant Submission Documents

- Design and Access Statement

Consultations

The Pinner Association – The proposal would harm the conservation area. Not in keeping with the house nor the other properties around it in the area. To the best of our knowledge no other house within the area has had an extension added to it and this if permitted would harm the appearance of the house and be a bad and dangerous precedent for the Area. Cecil Park needs to retain its original Metroland look and feel. Would cause harm to the public realm by blocking off the views of the rear garden that can currently be enjoyed from the street.

Conservation Area Advisory Committee – Looks like wrap around extension and roof junction is not properly designed. Front elevation not particularly attractive. Impact on the neighbours should be considered. Loss of chimney and cropping of the other looks odd. The roof is way too shallow. It would be visible from Conservation area. Roof material is not specified, is it slates? It would look much better with flat roof. Care should be taken that the brick work to tie in

Advertisement

Character of a Conservation Area
Expiry: 28th March 2013

1st Notifications

Sent: 9
Replies: 1
Expiry: 22/03/2013

2nd Notification

Sent: 9
Replies: 1
Expiry: 06/07/2013

Site Notice:

Erected: 20/03/2013
Expiry: 10/04/2013

Addresses Consulted

Flats 42-52 (Even) Cecil Park
59, 55, 54 Cecil Park

Summary of Responses

- Site already overdeveloped
- Risk of subsidence
- Designed as a separate unit for enlarging and expanding educational use resulting in parking problems, pollution and loss of amenity from students walking along side

entrance.

- Extension would link into existing rear extension making a de facto footprint of the extensions
- Overbearing size and bulk
- No.55 is up to a metre below the proposed extension which would result enormous looming presence
- Light already lost from existing large rear extension
- Would not preserve or enhance the Conservation Area.

APPRAISAL

The Government has adopted a National Planning Policy Framework [NPPF] on 27 March 2012 that consolidates national planning policy. This document now carries significant weight and has been considered in relation to this application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core strategy 2012 and Development Management Policies Local Plan 2013 [DMP].

MAIN CONSIDERATIONS

Character and Appearance of the Area

Residential Amenity

S17 Crime and Disorder Act

Equalities Statement

Consultation Responses

Character and Appearance of the Conservation Area

Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

Core Policy CS1 (B) states that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'

Policy DM1 of the DMP gives advice that "all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted."

The Council has adopted a Supplementary Planning Document (SPD) on Residential Design (2010), which gives design guidance and requires extensions to harmonise with the scale and architectural style of the original dwellinghouse. Substantial weight is accorded to the SPD as a material planning consideration.

The proposed single storey side extension would have a pitched roof with a maximum height of 3.4 metres and be set in from the side boundary with No. 55 Cecil Park by 0.9 metres and be set back by 0.9 metres from the front building line. It is considered that the

proposal would preserve the Conservation Area given that the addition is of a modest scale in proportion to the original dwellinghouse, the materials would match the existing property and with the existence of a single storey side extension at the neighbouring property the proposal would balance this pair of semi-detached properties.

It is acknowledged that objections have been received that the proposed extension in addition to the existing single storey rear extension would result in overdevelopment. The cumulative impact of the proposed single storey side extension with the existing single storey rear extension would result in an extension which projects 3m beyond the original rear wall of the property and is therefore considered proportionate to the scale of the original dwelling house and the area. Further objections have been received relating to the extension failing to preserve or enhance the Conservation Area. The adjoining property No. 59 Cecil Park has an existing single storey side extension and there are several examples within the street of side extensions. Given these extensions, and the variety of building styles within the street it is not considered that the proposed extension would have an adverse impact on the character and appearance of the conservation area.

It is therefore considered that the proposal would comply with the SPD and policy DM1 of Harrow Development Management Policies Local Plan (2013).

Residential Amenity

The London Plan policy 7.6B states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing.

Policy DM1 of the Harrow Development Management Policies Local Plan (2013) states "All development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted."

Detailed guidelines regarding design are contained in the SPD to ensure that amenities of neighbours are protected.

The extension would have an obscure glazed door and one window in the flank wall and four rooflights with the proposed window and door being in the same location as existing. A site visit to the neighbouring property No.55 Cecil Park established that there are two windows at ground floor level. One window serves a breakfast room and one that is a secondary window to the kitchen.

It is acknowledged that an objection has been received relating to the extension resulting in an enormous looming presence. The ground levels in the application site area approximately 0.5m higher than level of the neighbouring property at No.55 Cecil Park, it is considered that given that the proposed extension would be sited 0.9m from the boundary and would have an eaves height of 2.5m there would be no undue impact in relation to loss of outlook or visual amenity to this property.

In conclusion, it is considered that given the location of the proposed extensions in relation to the neighbouring properties the impact on the neighbouring properties would not be unreasonable in accordance with policy 7.6 of the London Plan and meet the guidance contained in the SPD and DM1 of Harrow Development Management Policies Local Plan (2013).

S17 Crime & Disorder Act

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

Equalities Statement

Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. The proposal for householder extensions would have no impact with regard to section 149 of the Equalities Act 2010.

Consultation Responses

- Site already overdeveloped – See 1 above
- Risk of subsidence – Not a material planning consideration
- Designed as a separate unit for enlarging and expanding educational use resulting in parking problems, pollution and loss of amenity from students walking along side entrance – The application relates to a single storey side extension.
- Extension would link into existing rear extension making a de facto footprint of the extensions – See 1 above
- Overbearing size and bulk – See 1 above
- No.55 is up to a metre below the proposed extension which would result enormous looming presence – See 2 above. The site level difference measured on site to be 0.5m
- Light already lost from existing large rear extension – See 2 above
- Would not preserve or enhance the Conservation Area – See 1 above

CONCLUSION

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy and the saved policies of the Harrow Unitary Development Plan 2004, as well as to all relevant material considerations. The proposal represents a suitably designed householder extensions that would preserve the character and appearance of the Tookes Green Conservation Area and not have a harmful impact on the appearance of the property in the streetscene or have significant detrimental impacts on the residential amenities of neighbouring occupiers.

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 extension hereby permitted shall match those used in the existing building.

REASON: In the interests of the amenities of neighbouring residential occupiers and preserve the character of the Tookes Green Conservation Area, pursuant to Policy 7.4B of the London Plan 2011 and DM1 and DM7 of the Harrow Development Management Local Plan Policies (2013)

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

REASON: To ensure that the proposal does not result in unreasonable overlooking of the neighbouring property No.55 Cecil Park in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4 The development hereby permitted shall be carried out in accordance with the following approved plans: 1068/1A; 1068/2A; 1068/3; Site Plan

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

INFORMATIVES

1 The following policies are relevant to this decision:

- National Planning Policy Framework 2012
- The London Plan 2011: 7.4.B, 7.6.B, 7.8 C&D
- Adopted Harrow Core Strategy 2012: Core Policy CS1.B
- Supplementary Planning Document: Residential Design Guide 2010
- Harrow Development Management Policies Local Plan (2013): DM1, DM7
- Tookes Green Conservation area Appraisal and Management Strategy (2009)

2 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.

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

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

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

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

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

Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

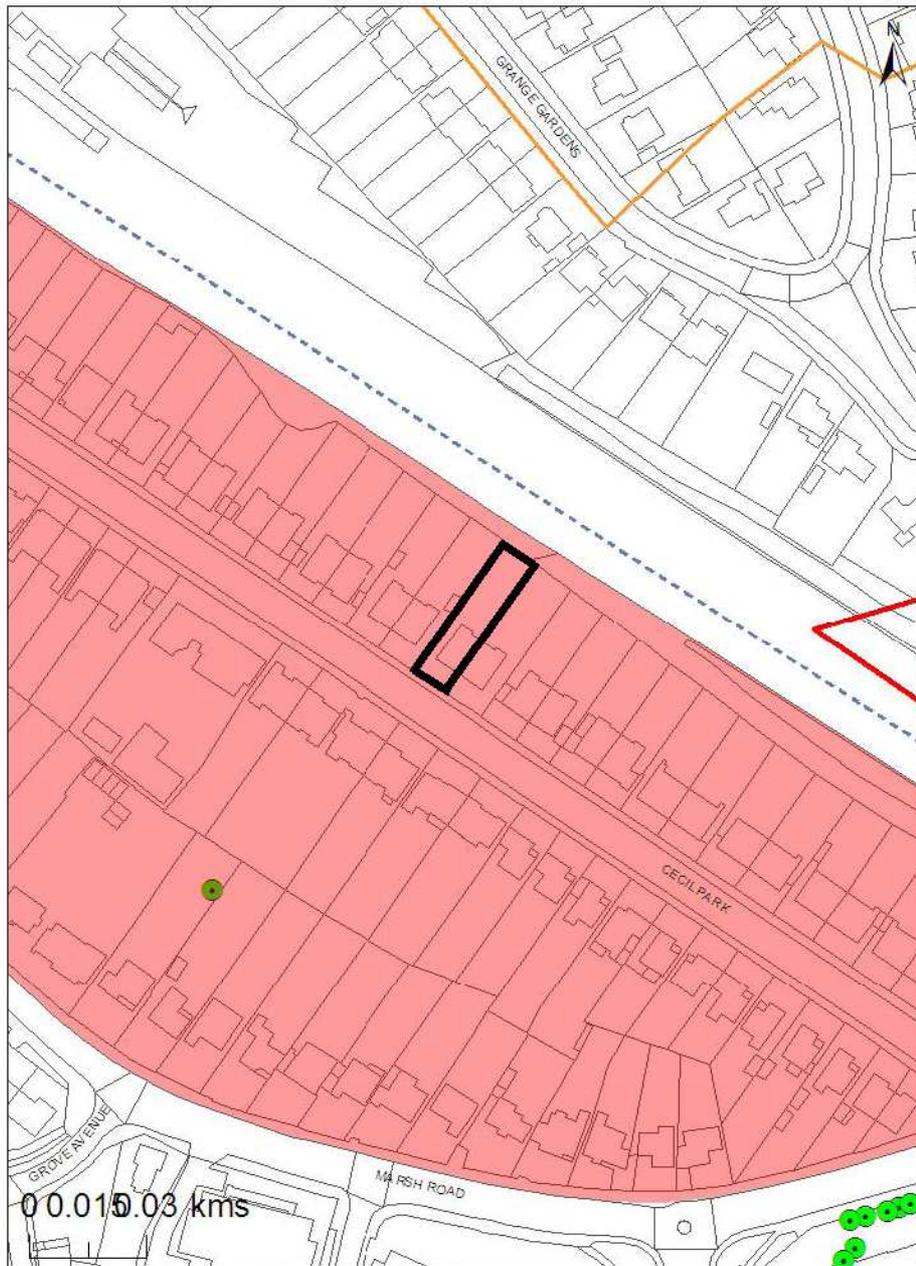
E-mail: communities@twoten.com

5 Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Plan Nos: 1068/1A; 1068/2A; 1068/3; Site Plan

57 CECIL PARK, PINNER



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SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item No. 3/01

Address: HARROW MAGISTRATES COURT, ROSSLYN CRESCENT, HARROW

Reference: P/0955/13

Description: LISTED BUILDING CONSENT: INTERNAL AND EXTERNAL ALTERATIONS INCLUDING REMOVAL OF WALLS AND INTERIOR FIXTURES AND FITTINGS AND PART REINSTATEMENT AND RECREATION OF FEATURES AND REPLACEMENT OF WINDOWS (PARTIALLY RETROSPECTIVE)

Ward: GREENHILL

Applicant: THE JASPAR FOUNDATION

Agent: HERITAGE COLLECTIVE LLP

Case Officer: LUCY HAILE

Expiry Date: 10/06/2013

RECOMMENDATION

REFUSE Listed Building Consent for the development described in the application and submitted plans for the following reason:

REASON

The proposal by reason of the substantial overall harm to the special interest of the court house caused by partial or complete loss and relocation of historic fixtures and fittings, the loss/undermining of the historic floor plan and the associated loss of court house character, that is unnecessary and not outweighed by the public benefits of bringing the building back into use. This is notwithstanding a minor level of proposed works that are desirable and would see some minimal recreation and reinstatement of features of interest recently removed without the required Listed Building Consent.

The decision to refuse Listed Building Consent has been taken having regard to relevant heritage related national planning policy, policies of The London Plan 2011 and Development Management Policies, as well as to all relevant material considerations including the responses to consultation. The proposal is considered to not preserve or enhance the special interest of the listed building and therefore conflicts with relevant National Planning Policy Framework (March 2012) paragraphs 129, 130, 131, 132, 133, 134 and 137; the London Plan (July 2011); Development Management Local Plan Policy DM7 part A, B, E (May 2013), the Harrow Core Strategy policy CS1 part D, and the guidance contained within the Planning Policy Statement 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (March 2010).

INFORMATION

The application is reported to the Planning Committee because the application is not

covered by the Scheme of Delegation part 1, item 2 since it concerns extensive internal alterations to a listed building and is not a case where a companion application for planning permission has been submitted to the Council.

Statutory Return Type: 23

Council Interest: None

Gross Floorspace: N/A

Net additional Floorspace: N/A

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A

Site Description

- The application site comprises the former Harrow Magistrates Court on the west side of Rosslyn Crescent which became grade II listed on 20th October, 2003.
- The list description is as follows and was an accurate description of the site prior to recent unauthorised works:
- 'Court house, 1932-5, by W.T. Curtis (Middlesex County architect) and H.W. Burchett
- EXTERIOR: The building is in a neo-Georgian style. The principal street (south) facade is long and low with a projecting central pavilion. An entablature with stone architrave and cornice runs along the front, continued on the east and west sides. The central pavilion is articulated by brick pilasters. The entrance breaks forward from this with paired pilasters, stone columns in antis and stone pediments with a carved cartouche. End bays are marked by smaller pedimented, pilastered breaks. East and west facades are of similar design, with projecting end bays. There are four replacement windows on the east side. The rear (north) facade is two and a half storeys above ground level, with high level basement glass brick cell windows visible. There is a single storey projecting central bay and two pedimented, pilastered entrances at east and west ends. The former is raised, with a modern metal access ramp. To its left is a round arched window. A further entrance on the northeast corner serves the basement cells. There are first floor balconies on the northeast and northwest corners, the latter reached by a projecting hexagonal stair tower. The building faces south and is largely single storey, with a second storey above the north range, with floor levels rising at the north end.
- MATERIALS: The building is red and brown brick with stone dressings. External windows are wooden sashes. The entrance hall has semi-circular metal lunettes. The two principal court rooms have round arched clerestory metal windows, three on each of their east and west sides. External doors are timber. Each element of the plan is separately treated with largely hipped roofs, roman tiles on the four sides, plain tiles for the central court rooms and hall. There is a central stone cupola with balustrade on the front range. Chimneys are brick, including two positioned prominently at each end of the front range.
- PLAN: The plan is rectangular, the front range projecting slightly at its east and west ends. The two principal courtrooms are positioned on the west and east sides of a central corridor, running from north to south (now partitioned at its north end), leading from the entrance lobby on the south side. An internal corridor surrounds the courtrooms, leading to offices along the four external sides of the building. A third court room on the east side occupies the space of the former magistrates' luncheon room and a portion of the east corridor. The caretakers' flat occupying the first floor of the north side is reached by a stair in the northeast corner and has been converted to offices. The basement is occupied by the cells, servicing and storage.
- INTERIOR: walls and ceilings are painted plaster, with some modern suspended ceilings added. Floors are carpeted. Original varnished or painted timber doors survive,

including a segmental pedimented doorcase and double door to central principal office in the north corridor. Original fireplaces remain. The two main court rooms are mirror images of each other. They retain original wooden fittings: seating, magistrate's bench and dock, with only minor alterations. There have high coved ceilings, decorative plaster work and painted carved wooden royal coats of arms above the magistrate's seat. Glazed screens have been added. The central lobby has an arched roof and columns, and a domed roof light at its partitioned north end.

- **ADDITIONAL FEATURES:** The front boundary is marked by a low brick wall and metal railings.
- **HISTORY:** The building was formerly known as Wealdstone Police Court, renamed Harrow Magistrates Court during the 1950s. One of a number of suburban police courts designed by the noted Middlesex County Council architects' department, this is a good example of the genre, designed in a dignified Neo-Georgian idiom, with an unusually intact interior.
- **SOURCES:** Audrey Chamberlain, 'Goodbye Gore: A history of the Petty Sessional Division of North West Middlesex, Harrow' (1986); Bridget Cherry and Nikolaus Pevsner, Buildings of England: London 3: North West, London: Penguin, 1991, p.300'.
- The site also comprises an ancillary single storey outbuilding to the rear which is considered to be curtilage listed as it appears to date to pre-1947, though is not present on the 1932-1941 OS map.

Context

- Since the court use ceased in June 2011, the court house fell into disrepair and was added to English Heritage's 'Heritage at Risk Register' where it remains.
- The Jaspar Foundation took over ownership in 2012.
- Council advice was sought, and the Council duly advised on the requirement for Listed Building Consent for various works via email on 25th April, 2012.
- Repair works were conducted inside and outside the building which were underway in July 2012.
- Pre-application advice was sought in July 2012 (our ref: HA/2012/ENQ/00167) to change the building from a Magistrates Court (Sui Generis) to a Community Centre (Class D1) and two flats (Class C3).
- Following this, in late 2012 unauthorised alterations were conducted to the Listed Building to change the building from the Magistrates Court use to a community centre and flats, for which a Listed Building Consent was submitted retrospectively (our ref: P/2728/12) to retain these works.
- As this application brought these unauthorised works to the attention of the Council, an investigation under Listed Building Enforcement case reference: ENF/0623/12/P was triggered, which is still underway.
- This Listed Building Consent application and the comments contained in this report are relevant to the enforcement investigations at this site.
- The initial Listed Building Consent application submitted to cover these works was invalid primarily due to inaccuracies presented in the pre-existing plans, as explained via email to the agent on 11th December, 2012.
- In light of the recent unauthorised works and the invalid Listed Building Consent application, pre-application advice was again sought (our reference: P/0216/13/PREAPP) for which a letter of conclusion was sent out in March 2013.

Recent unauthorised works

- Without the legal required benefit of having sought or received Listed Building Consent the following internal and external works listed below have taken place, including many

alterations to the historic floor plan and removal, destruction or relocation of historic fixtures and fittings.

- Supporting statements for this proposal claim these changes are mostly required to accommodate the proposed reuse of the building as a community centre for the Jaspar Foundation to focus on elderly members of the Asian community for supervised health and cultural activities such as yoga, folk dancing and singing, and the facilities within the building will also be available to hire.
- **GROUND FLOOR**
- *Both court rooms*
- Court rooms enlarged to their original size.
- Court rooms are no longer such intact mirror images of each other due to removal, relocation, destruction (in whole and in part) of fixtures
- One original door and architrave has been relocated in each court room to create a second entranceway on the south elevation wall of each court room where there has only ever been one door and architrave.
- A sympathetically designed later addition timber door and doorway leading to both court rooms from the central corridor has been removed disrupting a floor plan that closely followed the original.
- In both court rooms, along the walls used to enlarge the court rooms to their original size, original fabric from internal features of the court rooms has been cut about to create timber panelling to these walls.
- Most original cast iron radiators, and where there were in places associated designed timber recesses, have been removed from the court rooms and elsewhere on the ground floor. Replacement radiators of a poorer and plainer quality have been installed in intermittent new locations.
- The full width, approximately 1m high, original timber barrier with gates as shown on the original floor plans across the rear of both court rooms has been removed. They are no longer apparent on site though have possibly been cut about to create the timber panelling for the walls for the enlarged court rooms.
- There was a relatively modern glazed enclosure fixed above the original timber screen in both courtrooms which has been removed and apparently destroyed.
- An apparently later timber barrier with adjoining glass screen above on the east side of court room 1 and the west side of court room 2 have been removed and apparently destroyed.
- *Court room 1 (west)- least altered of the two court rooms*
- The original door to court room 1 that was part of the workings of the court room and was visible on the north-east side of the magistrate's seat has been infilled on the court room side to appear as though it was never there.
- Behind the magistrate's seat in court room 1 was a false 'architrave to a doorway' that mirrored the doorway on the other side bringing symmetry to this elevation, as shown on the original plans. This has been removed.
- An original bench fixed to, and part of the east wall, and shown on the original floor plans has been removed and apparently destroyed.
- The base of the staircase to the magistrate's bench has been partly removed.
- *Court room 2 (east) – most altered of the two court rooms*
- All fixtures and fittings to court room 2 have been removed, relocated, substantially altered and/or destroyed, with the exception of one bench relocated to the southern wall and painted carved wooden royal coats of arms above the magistrate's seat,

including:

- The original staircase to the magistrate's seat on the west side has been changed from a winding design to a straight one, entailing removal and cutting about of fabric.
- A new staircase has been installed to the magistrate's bench on the east side with original fabric from the court room apparently cut about to create this.
- The original timber panelled barrier with gate at raised platform level to the magistrate's seat, with timber desk with drawers behind, has been cut about with almost two thirds of the original timber desk and timber panelled barrier being cut off into two pieces and relocated to a proposed classroom and the remainder, including timber gate, apparently removed from site/destroyed.
- At lower level in front of the magistrate's seat, the original designed timber recesses for two integral short, elongated radiators and the radiators themselves have been removed and apparently destroyed.
- The original central, timber blue padded seating fixed to the south side of the timber barrier facing into the court room, with three seats, has been relocated to a proposed classroom.
- Directly to the south of this, an original large fixed desk and one set of side drawers as book ends either side of this, have been removed.
- The large desk seems to have been destroyed and the two sets of drawers relocated to the side room containing the staircase to the basement.
- The original designed timber barrier backing onto the rear of this large timber desk (with original timber shelf facing southwards to act as a desk to the bench sited behind) has been removed and apparently destroyed.
- The original central benches have been re-sited. One is now in court room 1 whilst the other is sited in a corridor. One of these two original benches had an original integral rear timber shelf fixed to it which has now been cut off and apparently destroyed, though may still be in a storeroom on site.
- Original integral fixing on the east side has been removed ie seating and witness stand, and apparently destroyed.
- The dock on the west side (possibly not original) with glass screen above has been removed and apparently destroyed.
- Whilst the plans and supporting statements provided state that all original court room fixtures and fittings are remain within the court house albeit sometimes relocated, this is not the case. Some items are missing or part/fully destroyed. Some cut about parts of former fixtures are kept are stored in the room just off court room 2 above the staircase to the basement - it s not always clear what fixture they came from.

Other ground floor changes:

- The partial remains of an original wall between the corridor and the third court room on the east side has been knocked down.
- Original wall with attractive white painted timber panelling to the proposed north-eastern meeting room has been removed.
- The original Milners safe shown as safe/strong room on pre-existing plans in the south-east corner has been removed (including walls, shelves and heavy cast iron entrance door) and adjacent walls destroyed, and the area converted to a disabled WC. It is claimed the safe door was stolen.
- Including the two walls listed above, 14 original walls indicating the original layout of the court house have been removed (in whole or in part).
- Numerous original doors and doorways which indicated the original layout and use of the court house have been infilled and new doors added.
- Unpainted timber doors have been painted e.g. the outside of the southern entrance

door to court room 2.

- The two sets of original double timber doors with glazing of typical 1930s design, facing each other on the west and east to the central southern lobby area have been removed and one side infilled with a new wall and the other partly infilled.
- Two original fireplaces have been relocated to new locations.
- Two windows on the east elevation have been replaced.
- Basement level historic security windows to cells have been replaced with timber windows.
- Characteristic original timber parquet flooring shown on pre-existing photographs has been removed and replaced with a carpet.

BASEMENT

- The east area has been altered including total or partial removal of 13 walls (not including removal of men's cells) to create a flat and office areas although, they are all labelled as office areas on the proposed plans.
- All men's cells and visitor rooms have been removed. These were not original but were in the same area as the originals.
- Six new doorways have been introduced and two infilled.
- The area labelled as a proposed 'WC' to the far west (to the east of the basement fireplace) has had a bath installed and to the far east has had a shower installed.
- Two walls parallel one another have been installed in front of the two staircases to the court rooms to create a store area.
- Stairs from court room 2 to the cells have been blocked at the court room side.

FIRST FLOOR

- Two flats have been installed by altering the original floor plan to install a new corridor, remove part of an original chimney breast and remove 4 original walls.

OUTBUILDING

- Windows replaced from Crittal to UPVC and various internal alterations.

Proposal Details

- The application proposes to largely retain the unauthorised changes outlined above with the exception of the following amendments:

GROUND FLOOR

Both court rooms

- New door opening (architrave and door) in each court room to be relocated to location of pre-existing door opening (architrave and door).

Court room 1

- Reinststate the original false 'architrave to a doorway' on the west side of the northern wall to court room 1.
- Re-reveal the original door on the court room side of court room 1 ie on the east side of the north wall, as per the original design intent.

Court room 2

- Floor covering the top of the staircase to the basement is to be removed.
- Pre-existing winder configuration to the west staircase to the magistrate's seat to be reinstated.
- New east side steps to the magistrate's bench to be removed.

Other ground floor changes:

- Within the southern lobby area, a recess is proposed to indicate the location of pre-existing double doors on the west side.
- It is proposed to submit records of pre-existing 'Milners' safe and of the pre-existing court rooms if not already fully covered by the plans submitted.

Basement

- A clear glass panel is to be inserted in the new partition wall inserted directly in front of the staircases to reveal a view of the staircase to court room 1.
- A doorway opening is to be created in the new partition directly in front of the staircases to allow access to the staircase to court room 2.
- Plans have been submitted of the pre-existing men's cells as a record.

First floor

- No further changes proposed.

Revisions to Previous Application

- Not applicable

Relevant History

P/2728/12 – Internal and external alterations
Invalid – 12/12/2012

Pre-Application Discussion

Ref. HA/2012/ENQ/00167 – July 2012

- Proposals are for the change of use of the Listed Building from a Magistrates Court (Sui Generis) to a Community Centre (Class D1) and two flats (Class C3) at first floor level, and alterations to Listed Building. The proposed community use would be as a drop in centre focusing on members of a specific group of the local community. The court rooms would be community halls and a dining room in the other former court room. Ancillary rooms would be used on the first floor, basement and ground floor as offices and private visiting rooms. The first floor would be converted into ancillary flats for a caretaker and administrator.
- Summary and conclusion: The principle of the reuse of this building is welcomed and encouraged. There are concerns with the current proposal that would need to be addressed for the proposal to comply with national and local conservation policy: 1) Level of alteration proposed to court rooms 1 and 2. 2) Loss of cells in the basement. 3) Loss of the original layout, loss of original door handles and proposed secondary glazing.
- In terms of the proposed first floor flats for onsite residential accommodation for employees, Officers consider that subject to strict controls in place to ensure that the units are not available on the open market, and that they are only used on a temporary (as opposed to long term) basis, that in principle they are acceptable.

P/0216/13/PREAPP – March 2013

- Proposals: The proposals are to change the use of the building from a Magistrates Court (Sui Generis) to a Community Centre (Class D1) with two/four flats (Class C3) and retain the associated unauthorised works to the Listed Building which include the following:

1. Courtroom alteration works including relocation and destruction of original fittings
 2. Partial and complete removal of walls
 3. Infilling and removal of original doors and doorways
 4. Removal of an original Milners' safe on the ground floor
 5. Relocation of two original fireplaces
 6. Changes to windows
 7. Removal of all original cells and visitor rooms in the basement
 8. Installation of four flats within the building – two on the first floor and two in the basement
- Summary and conclusion: Currently the proposal would not receive Listed Building Consent as the extent of alterations to the Listed Building is harmful to its special interest and this harm is not outweighed by, or wholly necessary, in order to achieve the public benefits of bringing the building back into use. Many amendments are required to the proposal to ensure it retains or recreates more historic fabric and features as outlined within appendix 2, to make it more likely that the proposal would receive Listed Building Consent. In order to pass validation stage it is recommended that the advice given within appendix 1 is followed.

Applicant Submission Documents

- Design and Access Statement
- Heritage Statement
- Former Harrow Magistrates Court Statement of Proposed Use by the Jaspar Foundation

Consultations

The following groups were consulted and any response was due by 12th June, 2013 but none has been received:

- The Georgian Group
- Society for the Protection of Ancient Buildings
- Victorian Society
- Harrow Hill Trust

Advertisement

Site Notice

Harrow Observer

Harrow Times

All expire: 20th June, 2013

Notifications

N/A

Addresses Consulted

N/A

Summary of Responses

- **The Ancient Monuments Society** responded on 14th June 2013: 'The legislation for the protection of listed buildings will only work if consent is sought before rather than after works are carried out. Complying with the provisions is of course a legal requirement. The destructive works carried out here are particularly unfortunate as the retention of the two courtrooms, and their internal character, should be compatible with the intended use as a day centre. We do urge that the character of this rather

charming building is conserved and protected'.

- They responded further on 6th August, 2013 to state 'in view of the Twentieth Century Society's special expertise, we are happy to defer to them on the acceptability of the proposals. We are certainly very concerned that such extensive works have been carried out without permission. We would be happy to attend a site visit should this be offered'.
- **The Twentieth Century Society responded on 31st July, 2013:**
'The Society **strongly objects** to this application, which causes substantial harm to a Grade II listed Heritage Asset.

The Society has attended a site meeting to consider the application and has been party to detailed discussions. It is apparent however that the revisions to the application which have been submitted subsequent to this site meeting fail to address the concerns that the Society have on this proposal.

The Twentieth Century Society is against the removal of any fabric from a listed building, but we acknowledge the need of the building to accommodate sympathetic alterations to allow for beneficial use. Unfortunately many of the alterations to this building are unsympathetic and unauthorised. We are particularly concerned about those features which contribute to its listed status. The list description for this building specifically cites as significant its "unusually intact interior" and notes that the two courtrooms "retain original fittings: seating, magistrate's bench and dock, with only minor alterations". The Society's view is, therefore, that the alterations to and removal of the internal fittings and changes to the plan form of the building constitute more than substantial harm to the listed building.

Specific areas of objection are:

- The changes to the courtrooms: these are of particular concern. We are of the opinion that the original fittings in both courtrooms should be reinstated fully, with faithful replacements made for any fittings destroyed. This includes the later witness stand and glazing which form part of the history of the courtrooms. These alterations are totally unacceptable and cause more than substantial harm to the heritage asset.
- The loss of the Milners' safe on the ground floor: this is particularly regrettable and a replica or an original salvaged from elsewhere should be installed without concession (unless certain proof of theft is produced).

The reinstatement of original walls on the ground floor would be desirable to retain the plan layout of the building. These walls are currently recorded by the retention of nibs at ceiling level. The removal of these walls in order to create more flexible space for the new use of the building is understood. Whilst the Society regrets their loss these are of lesser significance than the court rooms and their loss in order to maintain the heritage value of the courtrooms could be considered acceptable.

The NPPF (March 2012) states:

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require

clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

The onus on the local authority is to conserve heritage assets and not destroy them. The destruction of the courtroom furnishings represents a hugely detrimental alteration to a grade II listed building, contrary to paragraph 132. This application should be refused consent as it would create a situation which, according to the NPPF, should be “exceptional”.

The NPPF goes on to say:

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...

The applicant has failed to provide any justification for the total loss of such critical elements of this heritage asset and the local authority should therefore refuse consent. The proposed improvements do not justify wholesale destruction of heritage assets, and the Society does not consider them to be “*substantial public benefits that outweigh that harm or loss*”. The proposed activities could easily be undertaken without such drastic alterations, as not only do the office areas surrounding the courtrooms provides ample opportunity to house large activities, the courtrooms themselves can still accommodate large numbers without such drastic intervention.

Summary

In summary we would like to re-iterate that the Society objects to these proposals as they cause substantial harm to a designated heritage asset. The applicants have repeatedly failed to take into account the significance of the architecture of the site, despite being given ample opportunity and guidance on appropriate areas of intervention.

The Society would therefore urge Harrow Council to refuse this application, and prevail upon the applicants to reassess their treatment of this heritage asset.

I hope these comments are useful to you in your deliberations regarding this case, I would be extremely grateful if the Society could be informed of the Council’s decision.

- **London and Middlesex Archaeological Society responded on 4th July, 2013:**
This Committee acts on behalf of the Council for British Archaeology. 'The Committee had strong objections to the fact that work had been carried out beforehand. The question was raised as to whether the client was seeking retrospective permission? The Committee fully endorsed the Conservation Officer's wishes for the Court rooms to be restored; similarly the views of the Twentieth Century and Ancient Monuments Societies'.

APPRAISAL

MAIN CONSIDERATIONS

Internal and external alterations

The proposal sees the reuse of the former court house as a community centre with flats

by retaining all recent unauthorised alterations, including extensive internal alterations listed above under 'recent unauthorised works', with the exception of amendments listed above under the 'proposed details' heading. In assessing the acceptability of the proposals, the need to preserve the special significance of the listed court house must be balanced against public benefits, having particular regard to national and local planning policy and guidance.

Significance of the Listed Court House

According to paragraph 129 of the National Planning Policy Framework (NPPF)

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal...taking account of the available evidence and any necessary expertise'. According to the NPPF's definition of 'significance', this is 'the value of the heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic'.

The court house's significance is archaeological, architectural and historic and was affected by recent works. Prior to recent unauthorised works, the 2003 list description (above) outlined its significance but was not exhaustive. It highlights the 1932-35 court house as 'one of a number of suburban police courts designed by the noted Middlesex County Council architects' department,...a good example of the genre, designed in a dignified Neo-Georgian idiom, with an unusually intact interior' and notes 'the two main court rooms are mirror images of each other. They retain original fittings: seating, magistrate's bench and dock, with only minor alterations'. The Local Planning Authority's July 2012 pre-application advice letter of conclusion made specific reference to these court rooms as 'its principal rooms of interest, and its basement cells...being a fundamental reminder of former use'.

Part of this court house's 'unusually intact interior' was its historic floor plan (ie layout of rooms, doors and walls) which told the story of the working of the court house, indicating historic circulation patterns. The original Milners' safe was fundamental to the former court house's operation. The numerous 1930s style cast iron radiators enhanced the court rooms' quality as they were originally created and sited to fit within designed timber recesses to complement the carefully crafted interior.

The court house's later fittings and alterations provided significance by adding layers of history. For example, the later court room witness stand and glass screens illustrated how court house use developed over time, rather than statically illustrating one point in time. Non-original security measures to the basement windows provided evidence of its former use to house prisoners and the hierarchical nature of the different court house levels. Later replacement cells provided evidence of the continuous segregation of male and female prisoners and the basement layout, though part altered, maintained historic circulation patterns such as continuous direct access from cells to courtrooms.

According to Heritage Statement provided there is 'doubt as to whether the fitted [court room] furniture is original since the style, joinery and finish appear more akin to the 1960s'. No evidence is provided to support this assertion and the original plans, list description and site inspections prior to, and after works, indicate the fitted furniture was original, with the exception of some clear later court room furniture described in the site description section that were nevertheless of historic interest.

Brief reference is made in the Heritage Statement to court room fixtures possibly not

being true legal 'fixtures' protected by the listed status of the building as they were only minimally fixed. But they were: fixed to the courtroom, referenced in the list description and were integral court house function and can therefore be considered part of its special interest.

Substantial Harm to Significance

In light of this significance, relevant policy and guidance includes the National Planning Policy Framework (NPPF) paragraph 131 which states 'In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Similarly, paragraph 132 applies which states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset'.

Similar London Plan policy applies. Policy 7.8 C states: 'Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate' and 'Development affecting heritage assets...should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'. Likewise development management policy 7 A states: 'Proposals that secure the preservation, conservation or enhancement of a heritage asset..., or which secure opportunities for sustainable enjoyment of the historic environment, will be approved'. And preference 'is to be afforded to proposals that both conserve and sustain heritage assets'; and 'a. pay special attention to the building's character and any features of special architectural or historic interest which it possesses'.

Contrary to the above policies this part-retrospective proposal causes substantial harm to the listed court house due to the extensive destruction/cutting about (in whole or in part), removal and relocation of much internal historic fabric and features and altering the historic layout. This causes substantial overall harm to its significance as a good example of a 1930s court house with unusually intact interior and associated court house character.

- Main Court Rooms (1 and 2)

These were the principal rooms of interest, significant for their largely intact character, mirroring one another. The proposed (largely retrospective) changes remove, relocate, cut up, alter and/or irreversibly destroy this intact character so the rooms no longer mirror one another. As the Twentieth Century Society state such alterations 'are totally unacceptable and cause more than substantial harm to the heritage asset'.

Individually the changes are also harmful. Removal of the original full width timber screen and gate across the rear of each court room is harmful since they told the story of the working of the court rooms. They appear to have been destroyed as they are no longer present on site, so their careful craftsmanship has been permanently lost contrary to supporting Planning Practice Guide paragraph 180: 'Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric' and Development Management Local Plan Policy DM7 part g: 'the reversibility of any change' should be considered'.

The timber panelling to the new walls to the enlarged court rooms do not preserve special interest as original fabric from listed fixtures has been cut about to create this, probably

from original timber screens. Whilst reusing historic fabric helps retain character, this is not offset by the harm caused to integrity and significance by permanently destroying original intact features referenced as significant within the list description.

Removal of the original high quality cast iron radiators and associated timber recesses which formed part of the timber panelled court room design harms special interest by undermining original design quality and intention. Harm caused by removal is increased by the replacement radiators of an obviously poorer, cheaper and plainer quality, with no apparent integral fitted design.

Removal of the relatively modern court room fixtures of glass screens and timber barriers also harms special interest. As the Twentieth Century Society state, the later additions 'form part of the history of the court rooms' and indicated how the use of the court rooms had changed over time.

Despite court room 1 being claimed within the heritage statement to have 'full retention and preservation [of fittings] to greatly reduce the degree of harm resulting from works to court room 2', this is not the case. The above alterations happened to both court rooms which were intact mirror images of each other. This increases the harm as there is no longer evidence of even one intact court room. Also, whilst court room 1 does retain a court room character, its special intact character is undermined by the above alterations to both court rooms as well as just to this court room, the removal of an original side bench and the base of the staircase to the magistrate's seat.

In contrast, court room 2's character has been substantially lost as it is more or less an empty hall now having been fully emptied of court room fixtures with the exception of some wall panelling, a timber bench and painted carved wooden royal coats of arms. This includes benches, desks, timber barriers, glass screens, radiators and associated timber recesses, drawers, original steps to the magistrate's seat and side seats. The proposal is only to reinstate original winding steps to the magistrate's seat.

It is noted that plan labels and the heritage statement claims that 'all removed furniture elements have been retained within the building'. It is considered that having visited the site, this is not the case. The alterations to the building are not fully reversible since whilst items can always be recreated, original fabric, craftsmanship and authenticity can not. Although some items have been re-sited (e.g. central timber benches) or are in storage above the basement stairs, many items here have been cut about, some so much it is not clear what item of furniture they belonged to. Many items are not apparent at all having apparently been destroyed such as court room 2's side seats, stairs to the magistrate's seat, timber screen at magistrates level and part of the magistrate's seat's desk. Regardless, even if some items can be reinstated PPS 5 guidance note states paragraph 180: 'reversibility alone does not justify alteration. If alteration is justified on other grounds then reversible alteration is preferable to non-reversible'.

- Other Ground Floor Changes

The cumulative effect of the other changes to the ground floor plan is the loss considerable historic fabric, character and legibility of the historic workings of the court house. Fourteen original walls (in whole and in part), infilling of numerous original doors and doorways and resiting of two fireplaces. This is contrary to guidance contained in paragraph 182 of the Planning Policy Practice Guide which states 'The plan form of a building is frequently one of its most important characteristics and internal partitions,...and other features are likely to form part of its significance. Indeed they may be its most

significant feature. Proposals to remove or modify internal arrangements...will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations’.

Similarly this extensive removal of fabric is contrary to paragraph 179 of the Practice Guide which states: ‘The fabric will always be an important part of the asset’s significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion’. Similarly, DM 7 B part b. states the impact of proposals affecting heritage assets will be assessed having regard to: b. relevant issues of design, appearance and character including ...historic fabric, use, features, ...layout, [and] plan form.’

Individually, other ground floor changes have harmed significance. Removal of remains of original walls to court room 3 disrupts the legibility of one of the main rooms of this court house. Retention was all the more important, as most of defining walls to this room had already gone. Whilst the heritage statement indicates this is proposed to go back, the proposed plan HMC-R00 REV A shows this proposal would not to reinstate it. Also, a particularly decorative wall was removed to the pre-existing magistrate’s office and so the loss of this is more significant as it provided interest and marked the boundary of a grander court house room. The sets of original double timber doors facing each other now removed in the central southern lobby is harmful as the characteristic 1930s doors marked the main courthouse entrance. The removal of the parquet flooring also harms character.

It is claimed that the original Milners safe door was stolen (a crime reference number has been provided) but that it was opted to demolish the remainder and convert this area to a disabled WC. As the Twentieth Century Society state, its loss ‘is particularly regrettable’ and ‘certain proof of theft’ is essential but not yet apparent to justify removal. It was integral to the original workings of the court house and acted as a fundamental, interesting and valuable reminder of this.

Unpainted timber doors have been painted e.g. the outside of the southern entrance door to court room 2. This is clear as a photograph has been provided of it being painted. Whilst the list description refers to both painted and unpainted timber doors, the original plans clearly show these to be unpainted, probably with a varnish finish, in keeping with the court room fittings. Therefore this change undermines the special intact, unaltered character.

- Basement

The significance of the basement has been harmed by proposals. Its historic character as a segregated space for female and male prisoners with associated interview rooms and direct access to court rooms, is harmed by this proposal since numerous walls, all men’s cells and interview rooms are destroyed, doorways are blocked and new ones inserted and access to the court rooms has been blocked by the insertion of a new wall to create a self-contained flat (labeled as office, WCs and storage on proposed plans). Another wall inserted directly in front of the stairs, within which it is now proposed to insert a viewing panel on one side and open up access to the other stair, still further disrupts the historic floor plan. Whilst the removed cells were not original, they were in the same space as the originals and were an important part of the working court house character. Replacement of the secure basement windows with timber ones has undermined the legibility of character of the basement as a secure space to house prisoners.

- First floor

Harming significance further, two flats have been installed in a more invasive way than proposed at the pre-application advice meeting of July 2012 since more historic fabric has been removed and more historic layout disrupted. A new corridor has been installed, part of an original chimney breast removed and four original walls removed whereas within the original pre-application proposal only two would have been removed. It is not clear why the less harmful reuse of the first floor proposed at the pre-application stage could not have been implemented instead.

- Outbuilding

The loss of the Crittal windows to this outbuilding, which complemented the high quality and 1930s character of the courthouse, and replacement with UPVC undermines the traditional setting of the listed courthouse. No justification for replacement has been provided. This is contrary to paragraph 137 of the NPPF which states 'local planning authorities should look for opportunities for new development within...the setting of heritage assets to better reveal their significance'.

Limited Public Benefits and Unnecessary Harm

Supporting statements point out reuse as a community centre brings public benefits via provision of its facilities partly for hire, and it provides a new building use. Certainly the principle of reuse is encouraged since as per the pre-application advice and consultation responses, use as a community/day centre could have been compatible with retaining special interest. Economic vitality is recognised as paragraph 131 of the NPPF states 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality' should be considered.

However, the level of alteration to achieve such benefits is excessive and the harm is not outweighed by these public benefits. NPPF paragraph 132 states 'As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building...should be exceptional'. As the Twentieth Century Society state the harm caused is 'substantial' and the above does not provide 'clear and convincing justification' for such change which the NPPF states should be 'exceptional'.

The statement of proposed use demonstrates the proposed changes are excessive for court room 2. If left intact the room had capacity for 74 people, a compromise of partial retention of fixtures would have allowed 118, whereas current capacity is 145. So, the room would have been viable for reuse to a high capacity whilst fully retaining special interest, and even relatively minor alterations would have greatly increased capacity.

Justification provided also does not take a required flexible approach to proposed reuse balanced against the need to preserve heritage value contrary to NPPF paragraph 129 which states proposals should 'avoid or minimize conflict between the heritage asset's conservation and any aspect of the proposal'. For example, it does not take account of the possibility of splitting community events so that some capacity is filled in rooms of lesser significance where walls were recently removed to create larger open spaces. As the Twentieth Century Society state: 'reinstatement of original walls on the ground floor would be desirable to retain the plan layout of the building. These walls are currently recorded by the retention of nibs at ceiling level. The removal of these walls in order to create more flexible space for the new use of the building is understood. Whilst the Society regrets their loss these are of lesser significance than the court rooms and their loss in order to maintain the heritage value of the courtrooms could be considered

acceptable’.

The heritage statement claims court room 1 has been left ‘effectively ‘mothballed’ and unsuitable for new uses’ (page 29). However, the statement of proposed use shows that even unchanged court room 1 could be reused to high capacity (74 people).

Individual harmful changes are unnecessary. Removal of the west set of double original doors to the central southern ground floor lobby could have been simply locked shut and concealed by a curtain rather than replaced with a solid wall. Now, they could be recreated and reinstated and a curtain pulled in front. The opposite set could be recreated and the entrance desk set back behind them. In the basement some male cells could have been retained. Even if the safe door has been lost to theft, the remainder could have been usefully retained without harming proposed reuse of this area as WCs and a couple of men’s cells could have been kept as a record.

It is stated that a record of lost features has in part been provided and could be fully provided where necessary in order to address the harm to special interest. For example, in court room 2 it is stated a permanent record would be on display of the court room (ref: HMC-02-03.3 REV A). However, the NPPF is clear that this is not a relevant justification for works since it states ‘the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted’.

As conducted the proposal therefore does not propose the optimum viable use and the public benefits do not outweigh the harm. In the instances where the works to this building cause less than substantial harm to its significance this is therefore contrary to paragraph 134 of the NPPF which states ‘harm should be weighed against the public benefits of the proposal’. Since the harm caused to this listed building by this proposal is substantial, this proposal is also contrary to the NPPF paragraph 133 which states ‘Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- 1) the nature of the heritage asset prevents all reasonable uses of the site; and
- 2) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- 3) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- 4) the harm or loss is outweighed by the benefit of bringing the site back into use.

In this case, another use or a separate source of funding could have come forward if this use had not gone ahead which could have kept the court house in use without so much harmful change. The building was not on the market for long and SAVE Britain’s heritage publication ‘Silence in Court The Future of the UK’s Historic Law Courts’ have found that whilst there is a need to be creative, court houses allow for multiple possibilities for reuse whilst retaining special interest. Not allowing for other less harmful possibilities is contrary to Development Management Policy DM E part B which states ‘all opportunities [should be exploited] to secure the future of listed buildings particularly those on the ‘heritage at risk’ register’. As a result of these changes, this court house remains on English Heritage’s ‘at risk’ register for the foreseeable future.

Works Proposed to Reduce Harm

Some of the proposed works (part-retrospective) limit or part-reverse the recent harm to

significance. However, this appraisal shows that whilst important, these works are minimal and so do not cause the overall harm to be less than substantial.

For example, the three replica original timber windows replacing UPVC ones is an enhancement. The recent unauthorized relocation of one original door and architrave in each court room to create a second entranceway on the south elevation wall of each court room is inappropriate since reflecting the former working of the court rooms, there has only ever been one doorway on the south elevation. The proposal to now relocate these doorways to the wall adjoining the central corridor of each is necessary though since it would more closely follow the original design, and would help offset the harm caused by the recent removal of a non-original, but historic and sympathetically designed, later addition timber door and doorway leading to both court rooms from the central corridor.

Part of the proposal (retrospective) to restore the court rooms to their original size causes the loss of the evidence of the layers of history of these court rooms but this does allow for reinstating the original court room size and character. So, this aspect of the proposal does on balance preserve the special interest of the listed building.

Within court room 1 the proposal to recreate the false 'architrave to a doorway' on the west side of the northern wall to court room 1 and re-reveal the door on the court room side of court room 1 ie on the east side of the north wall is necessary. Similarly, some proposals for court room 2 are necessary: namely, re-revealing the stairs leading from this courtroom to the basement, recreating the original winder configuration to the proposed west staircase to the magistrate's seat and removing the new east side steps to the magistrate's bench. This is because they would reinstate special interest by revealing original design features / layout of the court house that have been unnecessarily concealed, removed or altered.

However, whilst these proposals include recreating lost features, original craftsmanship and authenticity cannot be recreated and so this harm cannot be fully undone. This is in line with the Ancient Monuments Society's assertion that: 'The legislation for the protection of listed buildings will only work if consent is sought before rather than after works are carried out. Complying with the provisions is of course a legal requirement'. Recreating lost features can never fully reinstate what was there before.

Consultation Responses

The three objections received from conservation societies are addressed in the appraisal above.

CONCLUSION

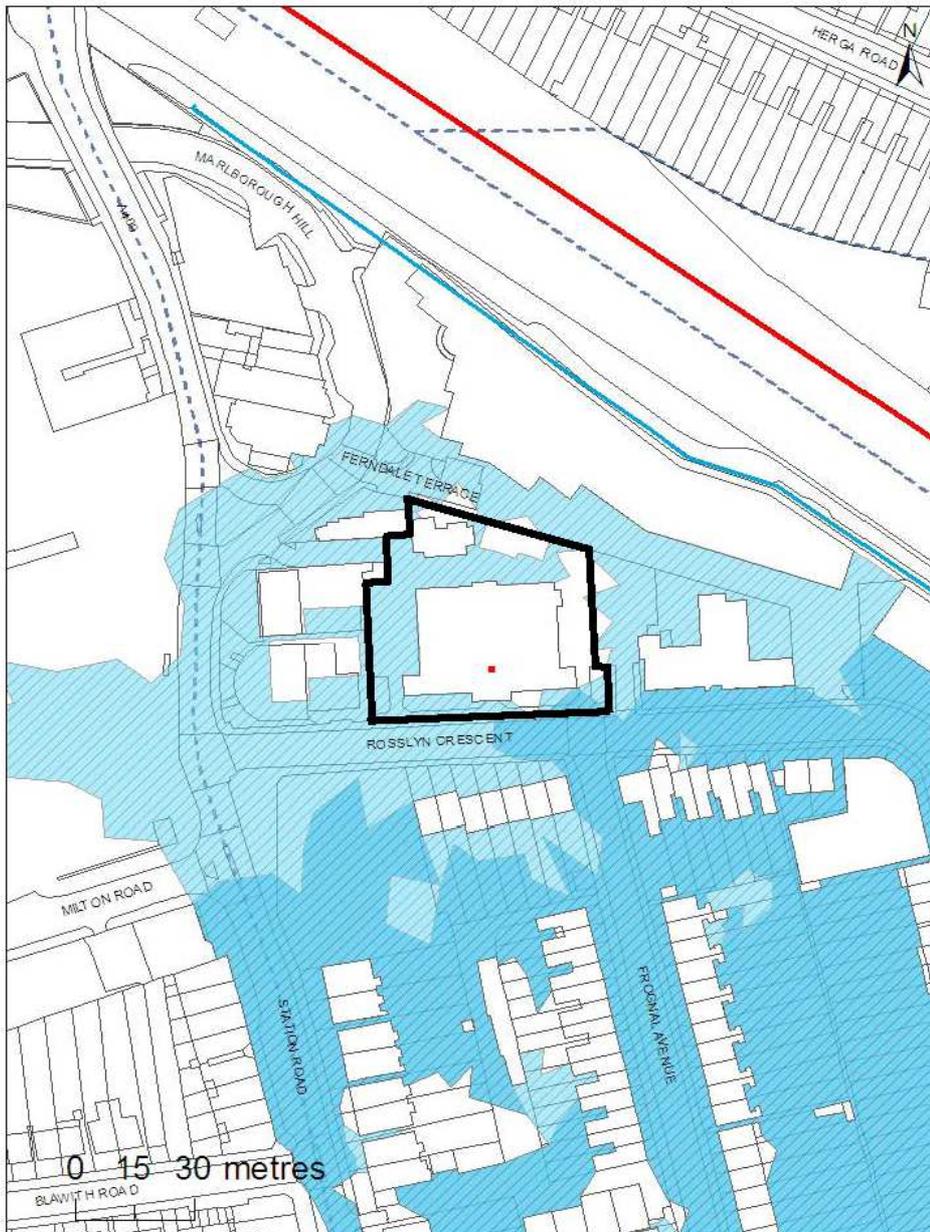
In summary, the recommendation to refuse Listed Building Consent has been taken having regard to relevant heritage related national planning policy, policies of The London Plan 2011, the Harrow Core Strategy and Development Management Policies as listed below, as well as to all relevant material considerations including the responses to consultation. This is because this part-retrospective proposal causes substantial overall harm to the special interest of the court house caused by partial or complete loss and/or relocation of historic fixtures and fittings, the loss/undermining of the historic floor plan and the associated loss of court house character. This harm is unnecessary and is not outweighed by the public benefits of bringing the building back into use. This is notwithstanding the minor proposed amendments to the proposal that are desirable and would see some minimal recreation and reinstatement of features of interest.

INFORMATIVES

1 The decision to refuse planning permission has been taken having regard to National Planning Policy Framework (March 2012) paragraphs 129, 130, 131, 132, 133, 134 and 137; the London Plan (July 2011); Development Management Local Plan Policy DM7 part A, B, E (May 2013), Harrow Core Strategy policy CS1 part D (February 2012), and the guidance contained within the Planning Policy Statement 5 Planning for the Historic Environment: Historic Environment Planning Practice Guide (March 2010).

Plan Nos: HERITAGE STATEMENT JULY 2013; HMC-02-01.1.1 REV A; HMC-02-01.1.2; HMC-02-01.1.3 REV A; HMC-02-01.2.1 REV A; HMC-02-01.2.2; HMC-02-01.2.3 REV A; HMC-02-01.2.4; HMC-02-02.2 REV A; HMC-02-02.4 REV A; HMC-02-02.1 REV A; HMC-02-02.3 REV A; HMC-02-03.1 REV A; HMC-02-03.3 REV A; HMC-02-03.2 REV A; HMC-02-03.4 REV A; FORMER HARROW MAGISTRATES COURT STATEMENT OF PROPOSED USE BY THE JASPAR FOUNDATION; DESIGN AND ACCESS STATEMENT; HARROW MAGISTRATES COURT PRE-EXISTING PHOTOGRAPHS; JM024-402 REV A; JM024-302 REV F; JM024-502 REV A; JM024-202 REV A; HMC-ROO REV A; HMC-2-FG01 REV A; JM024-201 REV A; JM024-501 REV A; HMC-2-FB01 REV A; JM024-401 REV A; JM024-301 REV F; JM024-303 REV F; JM024-203 REV A; JM024-403 REV A; JM024-503 REV A; HMC-R01 REV A; HMC-2-FF01 REV A; JM024-100; HMC-02-MC14.1; JM024-111; JM024-112; JM024-121; JM024-131; PHOTOGRAPHS AS BUILT; HMC-02-01.2.5

HARROW MAGISTRATES COURT, ROSSLYN CRESCENT, HARROW



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Item No. 3/02
Address: PARK HIGH SCHOOL, THISTLECROFT GARDENS, STANMORE
Reference: P/0940/13
Description: VARIATION OF CONDITION 14 OF PLANNING PERMISSION EAST/45063/92/OUT DATED 03/09/1992 TO ALLOW PUBLIC USE OF THE SPORTS HALL FOR PRE BOOKED SPORT AND FITNESS PURPOSES FOR UP TO 40 PERSONS AT ANY ONE TIME. PROPOSED OPENING HOURS ARE 18.00 TO 22.00 MONDAY TO FRIDAY AND 09.00 TO 17.00 SATURDAY AND SUNDAY. SPORTS TO INCLUDE BADMINTON, FIVE A SIDE FOOTBALL, CRICKET, YOGA AND DANCE.
Ward: BELMONT
Applicant: MR EMLYN LUMLEY
Agent: PEARSON ASSOCIATES
Case Officer: GERARD LIVETT
Expiry Date: 10 JUNE 2013

RECOMMENDATION

REFUSE variation of condition, for the following reason:

REASON

In the absence of an identified need for additional sports facilities in the area, the proposal would result in an unacceptable level of noise, disturbance and traffic movements, to the detriment of the residential amenities of the occupiers of Burnell Gardens and Thistlecroft Gardens, contrary to policies DM1 and DM46 of the Harrow Development Management Policies Local Plan (2013).

INFORMATION

The application is reported to the Planning Committee because the freehold of the application site is owned by the Council and is excluded by Proviso C of the Scheme of Delegation.

Statutory Return Type: Minor development, all other

Council Interest: Freehold owned by LB Harrow

Net additional Floorspace: 0 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): Not applicable as development relates to a school.

Site Description

- Park High School is located at the southern end of Thistlecroft Gardens, with a secondary access from Burnell Avenue

- The main school building is a two-storey brick building and was opened on 3 September 1939.
- The school has been extended with two-storey classroom additions at the east and west, and a new sports hall, which occupied part of Centenary Park, on the west side.
- The school has a hard surfaced playing area at the south of the main buildings, with additional classrooms beyond this.
- The site has a park on the west side, and a golf course on the southern side, with residential gardens on the north and east sides.
- During the summer of 2012, internal works were undertaken to provide improved kitchen and dining facilities.

Proposal Details

- The application proposes to vary the wording of Condition 14 attached to planning permission EAST/45063/92/OUT dated 03/09/1992 to allow public use of the sports hall for pre-booked sport and fitness purposes for up to 40 persons at any one time. The proposed opening hours would be 18.00 to 22.00 Monday to Friday and 09.00 to 17.00 Saturday and Sunday. The proposed sports would include badminton, five a side football, cricket, yoga and dance.

Revisions to Previous Application

- N/A

Relevant History

EAST/45063/92/OUT – Two two-storey extensions to existing school and gymnasium building
Granted – 03-Sep-1992

EAST/298/96/VAR – Variation of condition 14 of planning permission EAST/45063/92/OUT to restrict the use of gym/sports hall to school use only
Granted – 16-Jul-1996

EAST/917/99/VAR – Revised variation of condition 14 of lbh/45063 to allow use of gym/sports hall for non school use
Refused – 16-Dec-1999

Reason for refusal:

The proposal would result in an over intensive use of the site to the detriment of the amenity of neighbouring residents.

Pre-Application Discussion (Ref.)

- None

Applicant Submission Documents

- Planning Statement: There is a lack of indoor sports / leisure facilities in Harrow. Proposal would boost participation in sports and leisure activities

Consultations

Stanmore Society: No response received

Highways Authority: On the premise that this proposed public use of the sports hall would fall outside of school operational periods which otherwise would potentially cause conflict in on-site parking demand terms, there are no material concerns on the condition

that patron numbers are limited to the '40 persons per hour' suggested via a new planning condition. In this context parking provisions should be sufficient to minimise any measurable parking displacement on the adjacent highways during weekday evenings and weekends.

Site Notice

General Notification

Expiry: 2-Jun-2013

First Notifications

Sent: 101

Replies: 20

Expiry: 10-Jun-2013

Second Notifications (revised description)

Sent: 101

Replies: 20

Expiry 24-Jun-2013

A petition, with a total of 151 signatures, was also received

Addresses Consulted

Lamorna Grove: 46-76 (even)

Thistlecroft Gardens: 1-44 (inclusive)

Burnell Gardens: 1-43

Crowshott Avenue: 26-38 (even), 73-85 (odd)

Pitch and Put Golf Course, Centenary Park, Culver Grove

Summary of Individual Responses

- Increased traffic volume and noise
- Lack of available parking on site
- Over intensive use
- Use at anti-social hours
- Increased litter
- Other spaces are available
- Detrimental to quality of life
- Incomplete notification carried out
- Reduction in property values
- Why has council allowed applicant to amend the application?
- Overspill parking: school has recently expanded which has exacerbated previous problems
- Roads filled with potholes and exacerbated by school traffic
- Council tax must be reduced for residents experiencing problems
- New facility to open in Camrose Avenue
- Disturbance after hall closes

Petition text:

We are concerned residents living at Burnell Gardens, Thistlecroft Gardens, Crowshott Avenue, Culver Grove and Lamorna Grove, Stanmore. Through the Centenary Park Action Group, we have learned of this proposal, submitted by the head teacher of Park High Scoll, Mr Lumley. We strongly object to any change of use or status for the sports

hall, on the grounds that it will adversely affect our lives, enjoyment of our homes and may well devalue our property.

The change of use will result in the sports hall being used in unsocial hours including summer, weekends and evenings when the school is closed. The consequence being that we will have to suffer mass arrivals and departures of cars and people attending the various activities and functions. Our roads are already crowded with extra cars during the school arrival and departure times and to extend the hours when this will be happening will impact us severely. Furthermore, the school's car park does not have enough spaces for the events that take place; already teaching staff park in our roads during term times, as a result of lack of space. In addition to the noise will be accompanied by petrol fumes, extra litter and even more congestion than we already experience in some of the narrow roads. Eg: in Burnell Gardens, cars park on both sides, including by school gates often blocking driveways or restricting drives.

Currently we are suffering from extra noise and inconvenience, due to extracurricular evening activities the school hosts. However, since these do not occur frequently, we tolerate them. Nonetheless, since the roads surrounding Park High School are residential, our acceptance cannot be continued if the activities become recurrent.

According to the Human Rights Act, article 8: the right to respect for private and family life, home and correspondence; the Harrow Council has a duty to protect our rights, by letting us enjoy peace and quiet within our own environment. The school is situated at the end of T roads - Burnell Gardens and Thistlecroft Gardens. Therefore residents have to suffer the traffic congestion in these narrow roads most of the time. Since we chose to live in the neighbourhood of a school, we will accept the normal problems of school life during term time. However, we strongly object to having these extra nuisances imposed on us during the weekends, summer and evenings as well.

Since the last application 13 years ago, so much has happened; mainly our roads became more overcrowded with extra cars parked on the streets. One of these causes is due to the residents' children, who have now grown up, and thus have cars of their own. As a result, many houses have been extended to accommodate their adult children.

Whilst we appreciate the school sends notices and requests consideration for residents, we still have had to tolerate great inconvenience and disturbance on occasions when school functions have taken place.

Centenary Park Action Group strongly urges you to take these matters into consideration. Thank you.

There is a restriction on this sports hall, put in place in 1995, restricting it to 'school use only'. The school governors, headmaster and Education Department are fully aware of this restriction.

It has been brought to our attention that the head teacher of Park High School has applied to Harrow Council to seek a change in the planning variation to the Sports Hall so that they can let it out 'legally for private functions i.e. weddings and sports clubs out of school hours which would include holidays when the school is closed and weekends.

We the undersigned object to this and wish to bring it to the attention of the Council Planning Department.

APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

In this instance, the Development Plan comprises The London Plan 2011 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

MAIN CONSIDERATIONS

Principle of the Development, Ministerial Statement on Education (2011)

Amenity and Transport Impacts

S17 Crime & Disorder Act

Equalities Statement

Consultation Responses

Principle of the Development

The principle of allowing the shared use of the sports hall and dance studio would comply with the National Planning Policy Framework and development plan policies, including London Plan policies 3.16 on the protection and enhancement of social infrastructure, 3.19 on Sports facilities, the Harrow Core Strategy policy CS1.G regarding public access to sport and recreation facilities and policy DM46 of the Harrow Development Management Policies Local Plan (DMP) regarding community, sports and education facilities.

The National Planning Policy Framework notes that the government is firmly committed to enabling publicly funded schools buildings and facilities to be used for community uses and that there should be a presumption in favour of the development of state-funded schools and that local authorities should make full use of their planning powers to support state-funded schools applications.

Notwithstanding this, development plan policies, including policies 7.2 and 7.4 of The London Plan, policy CS1.B of the Harrow Core Strategy and policies DM1 and DM2 of the DMP also require the local planning authority to safeguard the amenities of residential occupiers in the vicinity of development proposals and to achieve lifetime neighbourhoods.

Accordingly, to be considered acceptable any application for the variation of the condition to allow for community uses of the facilities needs to be considered against the potential impact of this public use on the amenities of nearby residents.

The applicants have stated, in their supporting statement, that there is a lack of suitable indoor sports facilities in the area and that there is demand for badminton, five-a-side football and cricket, as well as dance and yoga activities. However, no evidence or supporting documentation has been submitted to detail the level of demand suggested.

The Council's Open Space, Sport and Recreation Study (Open Space PPG17 Study), published in 2010, indicates that there is a deficiency of some types of sports facilities, including for badminton and other indoor sports, across the borough as a whole. However, this study also highlights the need for facilities to be provided within relatively localised areas, based on a 20 minutes' / 1 mile walk. To this end, the borough was divided into 5 sub areas for the purposes of the study.

Sport England's Sports Facility Calculator (SFC) estimates that population change over

the period 2010 to 2026 will generate demand for an additional 3 courts with regards to sports hall provision, across the borough as a whole. This compares to the Facilities Planning Model (FPM) which identified a need for an additional 12 courts in the same time frame. This modelling is also across the borough as a whole. However, the Facilities Planning Model takes into consideration factors other than just capacity and includes an attractiveness weighting.

It is considered reasonable, in determining this planning application, to examine the supply and demand for indoor sports facilities in the Southeast Area of the Borough, given the emphasis on a 1 mile catchment area.

The Study noted above identifies sports hall provision at the following locations in this part of the borough:

Canons High School

The Hive

The study indicates that these facilities had some spare capacity under both the SFC and FPM calculations. Furthermore, since the Study was published, the facilities at The Hive have been improved and in the light of this, it is considered that the main areas of unmet demand are elsewhere in the Borough.

No evidence regarding an overwhelming need for additional sports facilities in this area has been provided by the applicants.

With regards to five-a-side football, and tennis, it is noted that there are facilities for this in the adjacent Centenary Park, albeit these being outdoor facilities. Similarly cricket nets are provided at Stanmore Cricket Club, and all-weather tennis courts are provided at Centenary Park.

On balance, it is considered that the applicants have failed to demonstrate that there is an overwhelming need for additional sports facilities in the area.

Amenity and Transport Impacts

The vehicular access to Park High School is via two residential culs-de-sac, with Thistlecroft Gardens providing the access and Burnell Gardens the egress. Observations indicate that these roads, and Crowshott Avenue which is a distributor road, are relatively heavily trafficked at school drop-off and pick-up times.

When planning permission for the sports hall was granted in 1992, condition 14 allowed for the shared use of the sports hall. However, a planning decision was taken in 1995 to vary that condition to restrict the use to school use only at the request of the Council's education department following local concerns over traffic, noise and anti-social behaviour.

An application in 1996 to restore the dual use was refused by the planning committee on amenity grounds.

With this current application, considerable concern has been raised by local residents relating to noise, traffic, parking and other issues.

The proposal to vary the condition would result in increased activity at the school, and would result in increased vehicular movements on Thistlecroft Gardens and Burnell

Gardens, even if parking could be wholly contained within the school site.

The Council's Highways Authority considers that the parking provision at the school would be sufficient to accommodate evening and weekend parking associated with the use. The Highways Authority also considers that the public highways have sufficient physical capacity for the additional demand in terms of vehicles passing and re-passing.

Notwithstanding this, there is clear concern relating to the impact on residential amenity of properties in Burnell Gardens and Thistlecroft Gardens as a result of increased vehicle movements resulting from the proposal.

Policy DM1 of the Harrow Development Management Policies Local Plan requires development proposals to achieve a high standard of privacy and amenity. Criterion C notes that proposals that would be detrimental to the amenity of neighbouring occupiers will be resisted.

Policy DM46 notes that proposals for new community, sport and educational facilities will be supported where there would be no adverse impact on residential amenity (Criterion B.c).

The increased activity at the site and traffic movements would be over and above the existing highway activity, which mainly takes place at drop off and pick up times during the school term. The current proposal would result in additional activity in the evenings, weekends and during school holidays, which would be over and above the existing hours, in the vicinity of the school and in Burnell Gardens and Thistlecroft Gardens in particular. The feedback from residents' consultation is that existing activities out of hours gives rise to adverse impact upon the amenity of residents. It is expected that whilst parking levels on the site may be adequate during the evenings, to meet the needs of users, further disturbance to residents of the surrounding streets is likely to occur through to the evening.

There is no compelling evidence to support an argument that the extended hours meet a pressing identified need for additional sports and recreation facilities in this area. The proposed use would result in out of hour's disturbance to the amenity of surrounding residents along the site access roads contrary to policies DM1 and DM46 of the DMP. Whilst acknowledging the support given in the NPPF and the development plan for the wider use of school facilities, in this case there is considered to be insufficient justification to set aside the policies safeguarding the amenities of residents. On balance, refusal of the application is accordingly recommended.

S17 Crime & Disorder Act

Representations have been received noting that the increased hours of use at the school could result in anti-social behaviour and littering in the area.

The Council has a duty, under section 17 of the Crime and Disorder Act, to consider the impact of any decision on crime and disorder. Policy 7.3 of The London Plan and policies DM1 and DM2 of the Harrow Development Management Policies Local Plan require planning decisions to provide safe and secure environments.

Any increased activity at this site could have an impact on crime and disorder in the area. However, it is considered that these impacts could be mitigated through suitable site and event management.

Had the proposal otherwise been considered acceptable, a suitable condition requiring a site and event management strategy to be approved and implemented would have been recommended.

Equalities Statement

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

On balance, it is considered that the proposal would have no impact with regard to section 149 of the Equalities Act 2010.

Consultation Responses

- Increased traffic volume and noise – this has been addressed in the amenity section of the appraisal above
- Lack of available parking on site – the applicants state that sufficient parking can be provided on the site. This has been confirmed by the highways authority/
- Over intensive use – government policy encourages the shared use of school facilities
- Use at anti-social hours – this has been addressed in the amenity section of the appraisal
- Increased litter – it is considered that the proposal would not result in increased litter
- Other spaces are available – this has been addressed in the principle of development section of the appraisal
- Detrimental to quality of life – this has been addressed in the amenity section of the appraisal
- Incomplete notification carried out – all affected neighbours have been consulted, and six site notices posted, one near the entrance to the school on Burnell Gardens, one near the entrance to the school on Thistlecroft Gardens and two each near the junction of Crowshott Avenue and Burnell Gardens and Thistlecroft Gardens
- Reduction in property values – this is not a material planning consideration
- Why has council allowed applicant to amend the application? – The council conducted additional consultation to give greater clarity to the proposal
- Overspill parking: school has recently expanded which has exacerbated previous problems – parking for the evening use of the sports hall could be accommodated on site
- Roads filled with potholes and exacerbated by school traffic – this is a highway maintenance issue and has been reported to the relevant department
- Council tax must be reduced for residents experiencing problems – this is not a material planning consideration
- New facility to open in Camrose Avenue – this is acknowledged as an alternative provision as outlined in the Principle of Development section of the appraisal

- Disturbance after hall closes – this has been addressed in the Crime and Disorder section of the appraisal

CONCLUSION

In the absence of an identified need for additional sports facilities in the area, the proposal would result in an unacceptable level of noise, disturbance and traffic movements, to the detriment of the residential amenities of the occupiers of Burnell Gardens and Thistlecroft Gardens.

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

INFORMATIVES

1 The following national planning policy guidance, policies in the London Plan, the Harrow Core Strategy and the Harrow Unitary Development Plan are relevant to this decision:

National Planning Policy

National Planning Policy Framework (2012)

The London Plan (2011)

3.16 – Protection and enhancement of social infrastructure

3.18 – Education Facilities

3.19 – Sports Facilities

7.3B – Designing Out Crime

7.4B – Local Character

Harrow Core Strategy (2012)

Core Policy CS1 (A, B, G)

Harrow Development Management Policies Local Plan (2013)

DM1 – Achieving a High Standard of Development

DM2 – Achieving Lifetime Neighbourhoods

DM46 – New Community, Sport and Education Facilities

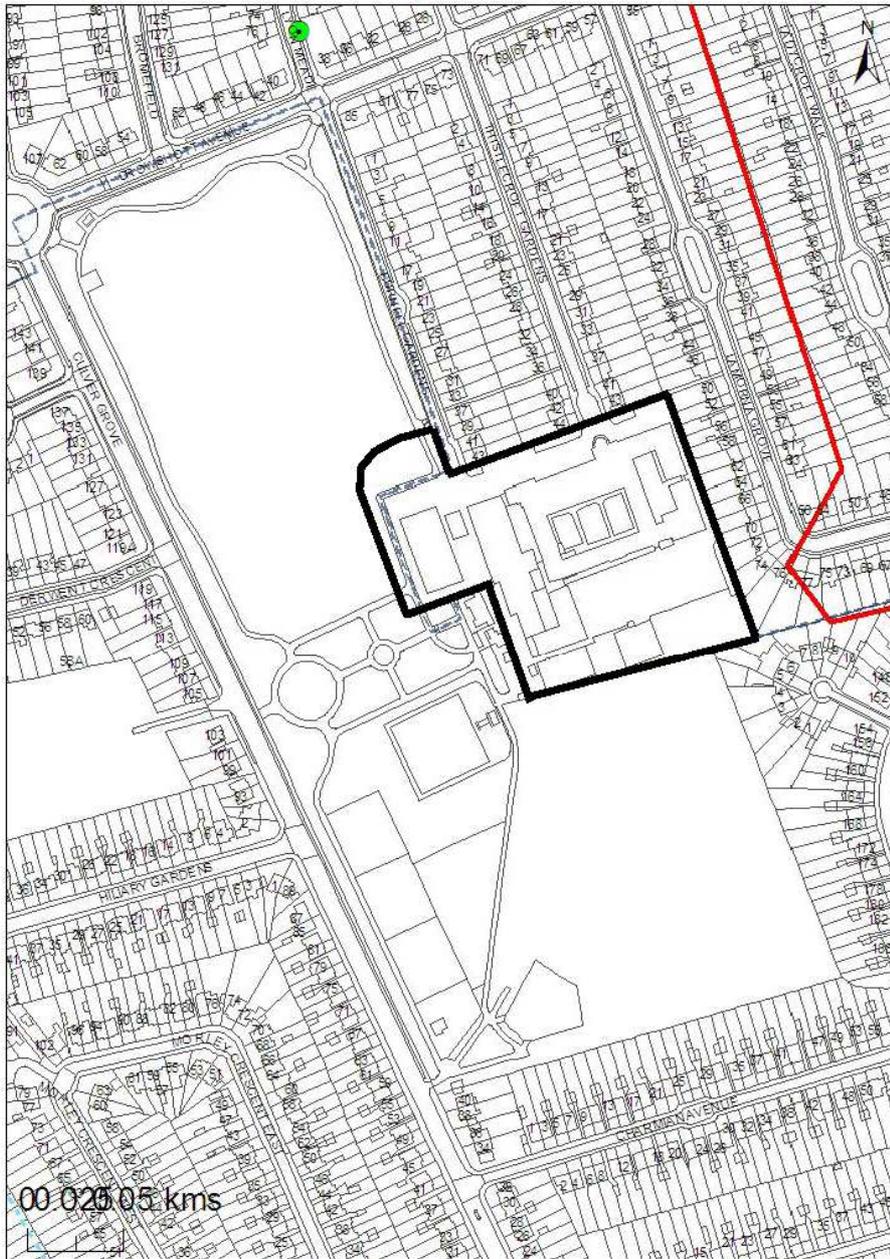
Open Space PPG17 Study (2010)

2 Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)"

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Plan Nos: Site Plan; E2536/PL1; Unnumbered ground floor plan; Unnumbered first floor plan; Supporting Statement

PARK HIGH SCHOOL, THISTLECROFT GARDENS, STANMORE



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SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.

