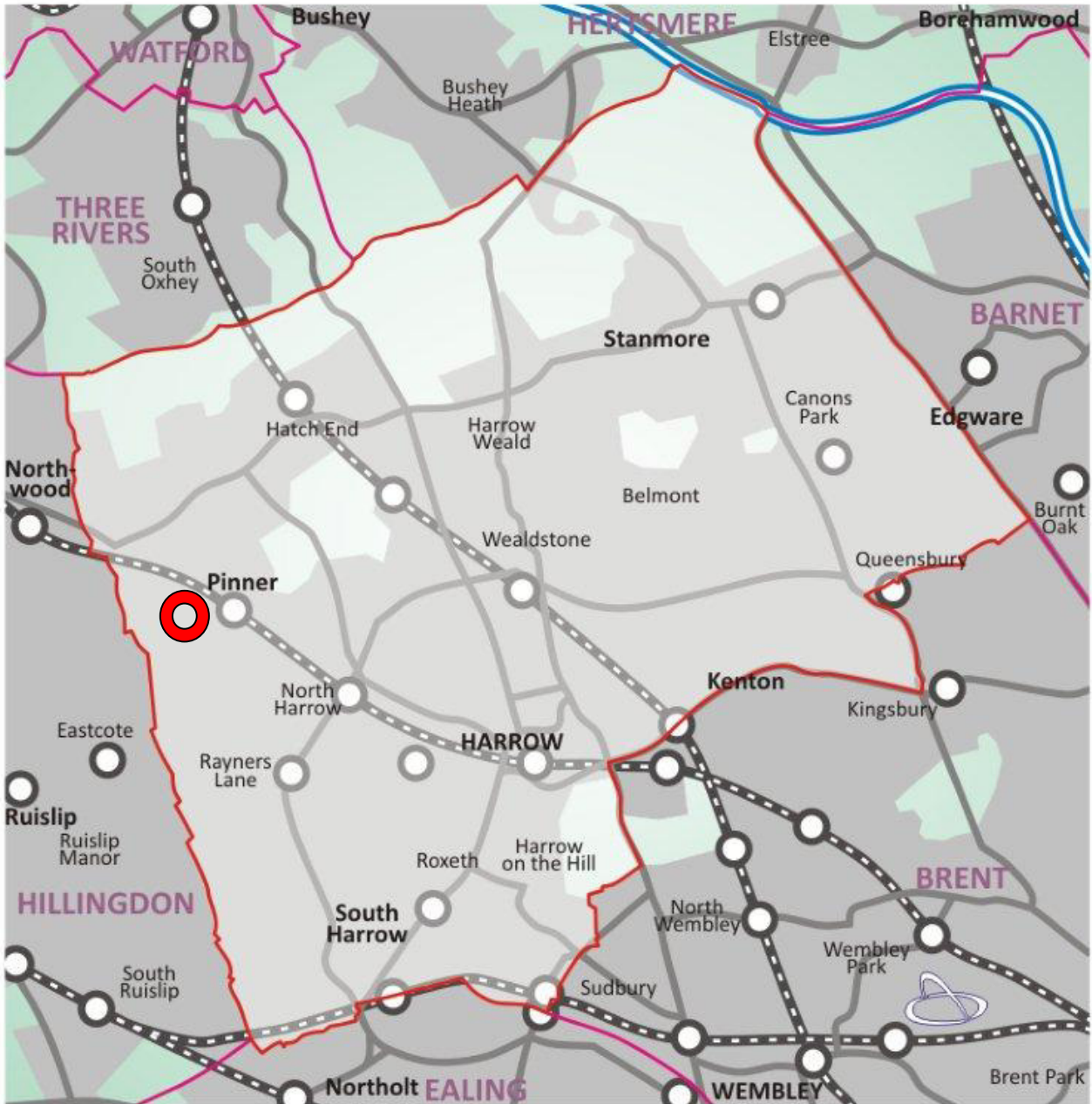
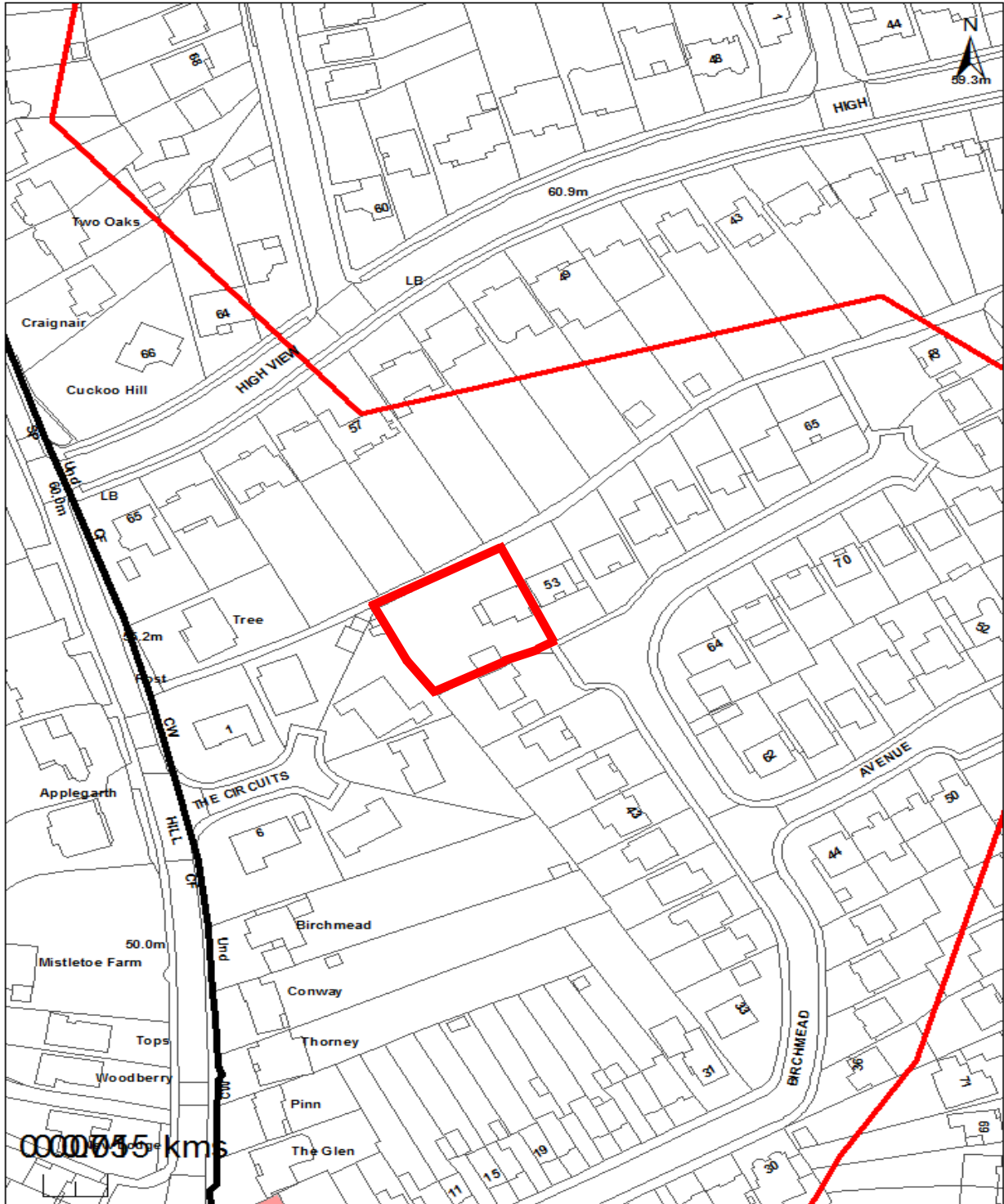


 = application site



51 Birchmead Avenue, Pinner

P/5228/16



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51 Birchmead Avenue, Pinner **P/5228/16**

LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

18th January 2017

Application Number: P/5228/16
Validation Date: 23 November 2016
Location: 51 Birchmead Avenue, Pinner, HA5 2BQ
Ward: Pinner South
Postcode: HA5 2BQ
Applicant: Mr & Mrs Haynes
Agent: Plainview Planning Ltd
Case Officer: David Buckley
Expiry Date: 24 February 2016 (extended)

PURPOSE OF REPORT/PROPOSAL

The purpose of this report is to set out the Officer recommendations to the Planning Committee regarding an application for planning permission relating to the following proposal.

Extension and conversion of detached garage to granny annexe for use ancillary to main dwelling

The Planning Committee is asked to:

- 1) agree the reasons for approval as set out in this report, and
- 2) grant planning permission subject to authority being delegated to the Divisional Director of Regeneration, Enterprise and Planning in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and other enabling legislation and issue of the planning permission and subject to minor amendments to the conditions (set out in Appendix 1 of this report) or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:
 - i) The occupation of the bungalow the subject of the Planning Application shall remain in ancillary use to the existing dwellinghouse on the Land and that neither shall be disposed of nor let separately from each other
 - ii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

RECOMMENDATION B

That if the Section 106 Agreement is not completed by 18th April 2017, or as such extended period as may be agreed by the Divisional Director of Regeneration, Enterprise and Planning in consultation with the Chair of the Planning Committee, then it is recommended to delegate the decision to REFUSE planning permission to

the Divisional Director of Regeneration, Enterprise and Planning on the grounds that:

1. The proposed development, in the absence of a legal agreement to secure the occupation of the bungalow as an ancillary use to the existing dwellinghouse on the Land, ensuring that neither shall be disposed of nor let separately from each other, due to the siting at the rear of the garden and lack of appropriate access, is at odds with the spatial strategy for the Borough of directing new residential and other development to the Harrow & Wealdstone Intensification Area, town centres and, in suburban areas, to strategic previously developed sites and would therefore harm its implementation and would harm the contribution that gardens make to the character of the area, contrary to the National Planning Policy Framework (2012), policy 3.5 of The London Plan 2016, Policies CS1.A and CS1.B of the Harrow Core Strategy (2012) and the adopted Supplementary Planning Document Garden Land Development 2013.
2. The proposed development, in the absence of a legal agreement to secure the occupation of the bungalow as an ancillary use to the existing dwellinghouse on the Land, ensuring that neither shall be disposed of nor let separately from each other would fail to adequately mitigate the impact of the development on the character of the area and occupiers of the adjoining properties contrary to DM 1, DM27; of the Harrow Development Management Policies Local Plan (2013).
3. The proposed development, in the absence of a legal agreement to secure the occupation of the bungalow as an ancillary use to the existing dwellinghouse on the Land, ensuring that neither shall be disposed of nor let separately from each other would fail to respect the scale, form and context of the area and would give rise to an unsympathetic, inappropriate form of development at odds with the established pattern of development in the area, to the detriment of the character and appearance of the area, contrary to policies 7.4.B and 7.6.B of The London Plan 2016, policy CS1.B of The Harrow Core Strategy 2012, Policy DM1 of Harrow Development Management Policies and the adopted Supplementary Planning Document: Residential Design Guide 2010.
4. The proposed development, in the absence of a legal agreement to secure the occupation of the bungalow as an ancillary use to the existing dwellinghouse on the Land, ensuring that neither shall be disposed of nor let separately from each other would fail to respect the scale, form and context of the area and would give rise to an unsympathetic, inappropriate form of development at odds with the established pattern of development in the area, to the detriment of the character and appearance of the area, contrary to policies 7.4.B and 7.6.B of The London Plan 2016, policy CS1.B of The Harrow Core Strategy 2012, Policy DM1 of Harrow Development Management Policies and the adopted Supplementary Planning Document: Residential Design Guide 2010

REASON FOR THE RECOMMENDATIONS

The proposed scheme which seeks to extend and convert the detached garage to a granny annexe for use ancillary to the main dwelling would enable the aged and ailed parents of the applicant to live in close proximity to their family and to receive care and support as required.

INFORMATION

This application is reported to Planning Committee as the application would require a S106 agreement and therefore falls outside Schedule 1 of the Scheme of Delegation.

Statutory Return Type:	E21. Householder Development
Council Interest:	None
GLA Community	NA
Infrastructure Levy (CIL)	
Contribution (provisional):	
Local CIL requirement:	NA

HUMAN RIGHTS ACT

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.

EQUALITIES

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

S17 Crime & Disorder Act

Policies 7.3.B and 7.13.B of The London Plan and Policy DM1 of the Development Management Policies Local Plan 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 does not adversely affect crime risk.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 **BACKGROUND PAPERS USED IN PREPARING THIS REPORT:**

- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- Nation Planning Policy Framework
- London Plan
- Local Plan - Core Strategy, Development Management Policies, SPGs
- Other relevant guidance

LIST OF ENCLOSURES / APPENDICES:

Officer Report:

Part 1: Planning Application Fact Sheet

Part 2: Officer Assessment

Appendix 1 – Conditions and Informatives

Appendix 2 – Site Plan

Appendix 3 – Site Photographs

Appendix 4 – Plans and Elevations

OFFICER REPORT

PART 1: Planning Application Fact Sheet

The Site	
Address	51 Birchmead Avenue, Pinner, HA5 2BQ
Applicant	Mr & Mrs Haynes
Ward	Pinner South
Local Plan allocation	N/A
Conservation Area	N/A
Listed Building	N/A
Setting of Listed Building	N/A
Building of Local Interest	N/A
Tree Preservation Order	Tree Preservation Orders -Trees at rear of application site
Other	N/A

Transportation		
Car parking	No. Existing Car Parking spaces	1
	No. Proposed Car Parking spaces	0
	Proposed Parking Ratio	0
Cycle Parking	No. Existing Cycle Parking spaces	0
	No. Proposed Cycle Parking spaces	0
	Cycle Parking Ratio	N/A
Public Transport	PTAL Rating	0
	Closest Rail Station / Distance (m)	Pinner Underground Station- 1.2km
	Bus Routes	Marsh Road – 1.1km Routes; 183; H11; H12; H13.
Parking Controls	Controlled Parking Zone?	No
	CPZ Hours	N/A
	Previous CPZ Consultation (if not in a CPZ)	
	Other on-street controls	
Parking Stress	Area/streets of parking stress survey	N/A
	Dates/times of parking stress survey	N/A
	Summary of results of survey	N/A
Refuse/Recycling Collection	Summary of proposed refuse/recycling strategy	As Existing

Sustainability / Energy	
BREEAM Rating	N/A
Development complies with Part L 2013?	Yes
Renewable Energy Source / %	0%

PART 2: ASSESSMENT

1.0 SITE DESCRIPTION

- 1.1 No. 51 Birchmead is a detached dwellinghouse, set on the corner of the road. It has a large garden set mainly to the west of the dwellinghouse.
- 1.2 There is an existing garage on the southern boundary of the site, immediately adjacent to the flank wall of the neighbouring house at No. 49 Birchmead.
- 1.3 The rear garden backs on to a small cul-de-sac at 'The Circuits' which contains larger detached houses. The application site directly backs on to the site of No. 3 The Circuits. The house here is a bungalow with a relatively short rear garden, with a patio facing the application site and it is set at a lower ground level than the application site.
- 1.4 There was previously a tree designated with a Tree Protection Order (TPO) at the rear of the garden which was removed without permission. A new tree has been planted to replace this and the issue has been resolved.

2.0 PROPOSAL

- 2.1 It is proposed to extend and convert the existing detached garage to a granny annexe for use ancillary to the main dwelling.
- 2.2 The height of the proposal would be approximately 2.40m in height to the flat roof at its lowest point, increasing to 3.0m as the ground level drops.
- 2.3 The proposed building would consist of two joined rectangular sections including the footprint of the existing garage. The structure would measure a total of 9m in width and 11m in depth.
- 2.4 The south-east elevation facing the neighbour at No. 49 would measure 6.50m in depth directly along the boundary with a further section that measure 4.50m in depth set 1.50m from the boundary. The south-western elevation facing the neighbour at No. 3 The Circuits would measure 7.50m in width and would be set a minimum of 7.70m from the rear boundary.
- 2.5 The gross internal floor area (GIA) would be approximately 57 sq m. The living, kitchen / dining area would have a GIA of approximately 30 sq m, and the bedroom would have a GIA approximately 17 sq m.
- 2.6 It has been indicated in the submitted Planning, Design and Access Statement, paragraph 2, that the building would be used by the applicant's elderly parents. The Statement states that due to current medical conditions, there is an urgent requirement for suitable living space that maintains a degree of independence.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Reference: P/3021/16 - Extension And Conversion Of Detached Garage To Granny Annexe For Use Ancillary To Main Dwelling
Refused: 31/08/2016

Reasons for Refusal:

1. *The proposal, by reason of its siting to the rear of residential gardens, would represent an inappropriate, discordant and incongruous form of development, at odds with the character of the area and the prevailing pattern of development in the locality, contrary to policies 7.4B and 7.6B of The London Plan (2016), policy CS1.B of the Harrow Core Strategy (2012), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and adopted Supplementary Planning Documents: Residential Design Guide (2010).*

2. *The proposed development by reason of its size and siting, in conjunction with the drop in site levels at the southern and south-western boundary and the function of the proposed new building would result in perceived and/or actual overlooking, which would result in a loss of privacy to the occupiers of No. 3 The Circuits, contrary to policy DM 1 of the Harrow Development Management Policies Local Plan (2013), and adopted Supplementary Planning Document: Residential Design Guide (2010).*

3. *The proposal, by reason of its rearward projection and height in proximity to the boundary, exacerbated by the drop in site levels at the southern boundary would result in an overbearing impact and unacceptable loss of visual outlook to the occupiers of No. 49 Birchmead Avenue, contrary to policies 7.4B and 7.6B of The London Plan (2016), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and adopted Supplementary Planning Documents: Residential Design Guide (2010).*

4. *The proposal, by reason of a failure to demonstrate adequate floor to ceiling heights would result in poor quality and cramped accommodation, to the detriment of the amenities of future occupiers, and inadequate living standards, contrary to Table 3.3 Note 3 of the London Plan (2016) and Policy DM1 of the Development Management Policies Local Plan (2013).*

LBH/352/1 – Layout of roads and erection of 49 detached house with integral garages, 5 detached houses, 23 garages.
Granted: 10/11/1965

4.0 CONSULTATION

- 4.1 A total of 4 consultation letters were sent to neighbouring properties regarding this application.
- 4.2 The public consultation period expired on 15th December; any further responses would be updated to Committee by way of an addendum

4.3 Adjoining Properties

Number of letters Sent	4
Number of Responses Received	1
Number in Support	0
Number of Objections	1
Number of other Representations (neither objecting or supporting)	0

4.4 One objection was received from the occupiers of No 3, The Circuits.

4.5 The details are set out below:

Respondents in relation to the proposal:

Comment Type	Name and Address
Objection	Mr and Mrs E Sandals, 3 The Circuits, HA5 2BQ

Comments Objecting to the Proposal		
Subject of Comments	Summary of Comments	Officer Comments
Character and Appearance of the Area	<ul style="list-style-type: none"> The size and siting of the proposal to the rear of residential gardens results in an inappropriate and incongruous form of development and the scale and size of the proposal is out of proportion to its intended use. The submitted documents have stated that the annex will be ancillary to the main dwelling and that the occupants will spend much of their time in the main house. However, the size of the proposal is over 60 sq m, 20% larger than the 50 sq m optimum level recommended for a 2 person unit in the London plan The Royal Institute of British Architect found in a recent survey of newly built accommodation that the average 	<p>The comments are noted and is addressed in Section 6.3 below.</p> <p>The London Plan states that 50 sq m is a minimum size rather than an optimum size. The scale of the building is addressed in Section 6.3 below.</p> <p>The comments are noted and the scale of the</p>

	<p>single storey accommodation for 2 people ranged from 43 to 49 sq m.</p> <ul style="list-style-type: none"> The Planning Committee should satisfy themselves that the scale should be such that the annexe could be use as part of the main house once the dependency needs have ceased as the Section 106 will be part of the scheme. 	<p>building is addressed in Section 6.3 below.</p> <p>The comments are noted.</p>
Neighbouring Amenity	<ul style="list-style-type: none"> There was a well-established tree which was removed prior to works commencing, which as exposed the rear of the garage at the application site which was not previously visible from No. 3 The Circuits. The works started several months ago, with no consultation taking place and the initial contact being a letter from Harrow Council dated 22.07.2016. The proposal due to its scale will result in harmful overlooking, loss of privacy and would be visually overbearing, and would result in additional noise and nuisance. This is exacerbated by its proximity to the rear patio of this neighbour and the fact that the main habitable rooms all look directly towards the proposed development. Photos have been enclosed to illustrate this point. 	<p>This comment is noted and has been addressed in Section 6.5 and 6.8 below.</p> <p>This comment is noted.</p> <p>This comment is noted and has been addressed in Section 6.5 below.</p> <p>This comment is noted and has been addressed in Section 6.5 below.</p>
Other Issues	<p>50 year old Hornbeam Tree was cut down by the applicant in Feb/ March 2016.</p>	<p>This comment is noted and is addressed in Section 6.5 and 6.8 below.</p>

4.9 Statutory and Non Statutory Consultation

4.10 The following consultations have been undertaken:

The Pinner Association
Arboricultural Officer
Engineering Drainage Section

4.11 Internal & External Consultation

4.12 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

Consultee	Summary of Comments	Officer Comments
The Pinner Association	No comments received	NA
Arboricultural Officer	No objection to the proposal subject to a planning condition to protect existing protected tree.	Comment noted, and addressed in relevant section below.
Engineering Drainage Section	No objection to the proposal subject to appropriate planning conditions.	Comment noted and addressed in relevant section below.

5.0 **POLICIES**

5.1 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.’

5.2 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.

5.3 In this instance, the Development Plan comprises The London Plan 2016 [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].

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1 in Appendix 1 of this report.

6.0 ASSESSMENT

6.1 The main issues are;

Principle of the Development
Character and Appearance of the Area
Residential Amenity for Future Occupiers
Residential Amenity (Neighbouring Residents)
Drainage
Trees and Development

6.2 Principle of Development

6.2.1 The principle of building an annexe that would be ancillary to the main dwellinghouse would be acceptable, subject to a Section 106 agreement to prevent the annexe from being used as an independent residential unit. Harrow Council has previously used a legal agreement of this type at No. 38 Bellfield Avenue, Harrow, to ensure that an outbuilding would not be used as a separate unit. When planning permission was subsequently refused to convert this outbuilding into a separate residential unit, the planning appeal was dismissed by the Planning Inspectorate and the Inspector noted that a legal agreement was in place. It is considered that a legal agreement would be sufficient to prevent the unit from being converted to an alternative use in future years.

6.2.2 As an ancillary building it would not be considered to represent garden land development. Policy 3.1 of the London Plan 2016 states that development proposals should enhance facilities that meet the needs of particular groups and communities and this policy does specifically refer to health issues. It is recognized that the purpose of this application is to meet the needs of elderly relatives and this purpose would comply with the above policy. Additional material planning considerations related to the size, siting and function of the outbuilding which will be addressed in the following sections.

6.3 Character and Appearance of the Area

6.3.1 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 existing spaces and streets in orientation, scale, proportion and mass.

6.3.2 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.

6.3.3 An objection has been received in relation to the impact of the proposal on the character of the surrounding area due to its size and siting.

- 6.3.4 In the previously refused scheme reference P/3021/16 it was found that an outbuilding of this size and with this number of habitable functions, in the garden of the host property would be out of character with the area.
- 6.3.5 In the current scheme, the outbuilding would be of a similar scale to the previously refused proposal. However, the footprint of the extended section would be moved away significantly from the south and west of the site and the boundaries on that side and would be located more within the large rear garden. A neighbour objection has objected stating that this is excessively large for an ancillary building. However, within the London Plan standards for new residential units a minimum GIA of 50 sq m is required and there is no optimum of maximum size within policy and within a GIA of less than 60 sq m it is not considered excessive in scale for the proposed function. The overall application site area is approximately 930 sq m (nearly 0.1 hectares) and in this context the proposal would not be considered excessive in scale. The amended siting would also reduce its prominence when viewed from neighbouring properties. In order to prevent overdevelopment of the site, a condition has been attached restricting permitted development rights, meaning that extensions to the dwellinghouse as well as additional outbuildings would not be permitted without further planning permission. The site context, including the proposed outbuilding, would be taken account of if further planning applications were made.
- 6.3.6 Overall, the proposal due to its size, siting and function would not be in keeping with the existing pattern of development and would not enhance the character and appearance of the local area, contrary to policies 7.4B and 7.6B of the London Plan (2016), policy CS1.B of the Core Strategy 2012 and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

6.5 Residential Amenity for Future Occupiers

- 6.5.1 The outbuilding would provide an ancillary unit of accommodation unit with a gross internal floor area of approximately 60 sq m. This would exceed the minimum requirement within the London Plan (2016) for new dwellings, which is 50 sq m for a 1 bedroom, 2 person unit.
- 6.5.2 In the previously refused scheme reference P/3021/16 it was found that the proposal was unacceptable as the requirements for new dwellings, found in Table 3.3 Note 3 of the London Plan (2016), are that 75% of the unit should have a floor to ceiling height of at least 2.5m and Policy DM1 of the Harrow Development Management Policies Local Plan (2013) states that proposals that would be detrimental to the amenity of future occupiers should be resisted.
- 6.5.3 In the previously refused scheme, due to the functions of a self-contained unit, i.e., bedroom, bathroom and kitchen/living room and the fact that no Section 106 agreement had been agreed, it was assessed as a self-contained unit in terms of future occupier amenity. The submitted documents did not demonstrate that the floor to ceiling height would meet the London Plan (2016) requirements and so the scheme was found unacceptable due to harm to future occupier amenity.
- 6.5.4 In the current scheme, section drawings have been submitted showing the internal floor to ceiling height. This shows that the floor to ceiling height would be

a maximum of 2.36m which would not meet the London Plan Standard. However, the standards that exist within the London Plan (2016) relate to new dwellings only, rather than extensions/ancillary developments. The current proposal, unlike the previously refused scheme would be subject to a legal agreement requiring that it would not be used as a separate unit. Therefore, it would be considered as ancillary to the main house and would be assessed in the same way a householder extension would be assessed. Therefore, there is not a requirement for a minimum floor to ceiling height. It should also be noted that the national standard for floor to ceiling heights is 2.3m for at least 75% of the GIA of the dwelling, but the London Plan requirement is 2.5m. As the development is ancillary to the main dwellinghouse, accessibility requirements would not form part of this assessment.

6.6 Residential Amenity Neighbouring Occupiers

- 6.6.1 In the previously refused scheme reference P/3021/16, it was found that the proposal would result in an unacceptably overbearing development close to the shared boundary with No. 49 Birchmead Avenue and would have resulted in an unacceptable loss of outlook and visual amenity to this neighbour. This was due to the depth of projection of the development in relation to the neighbour at No. 49 Birchmead Avenue, in conjunction with the drop in the site level. The neighbour at No. 49, did, in that case write to the Council in support of that scheme, but that did not overcome the reason for refusal.
- 6.6.2 In the current scheme, the siting of the proposed outbuilding has been amended. The section of the scheme set directly on the boundary would project the same depth as the existing garage on site and would therefore have a similar impact as the existing garage. The extended element, rather than being located on the shared boundary with No. 49 Birchmead Avenue, would be set 1.50m from the boundary and project to a depth of 4.50m. This is in comparison to the previously refused scheme which proposed an additional depth of 8m and would have been set directly on the shared boundary. It is acknowledged that the site level is significantly lower at the site of No. 49. However, the depth of the projection would be only 4m beyond the main rear wall of No. 49 and the additional depth would be set 1.50m from the boundary and there is already a high boundary fence in place. In light of these amendments, there would not be a harmful impact on these neighbours in terms of impact on visual amenity and outlook and therefore this previous reason for refusal has been overcome.
- 6.6.3 A neighbour objection has been made in relation to a potential loss of amenity to neighbours to the rear at No. 3 The Circuits. The objection states that the proposal would result in a harmful loss of visual amenity to neighbouring occupiers at this property. The objection states that the width of the proposal would be excessive and would be more prominent due to the removal of the TPO tree. The objection also states that the height of at least 2.5m the outbuilding would be excessive and overbearing, which would be more overbearing due to the drop in site levels to the rear and that this would be exacerbated by its proximity to the rear patio of this neighbour. The objection also highlights the fact that several of the main habitable rooms at this neighbour at No. 3 The Circuits face directly towards the proposed development. However, it was found in the previous case that due to the distance of building from the rear boundary and the

limited height of the building, that the impact in terms of light and outlook would not be unreasonable.

- 6.6.4 In the current proposal, the width of the south-west elevation would be increased from 6m to 7.5m which would increase the impact on No 3 The Circuits to a small extent. However, this would be more than mitigated by the fact that the rear wall would be significantly further from the shared boundary than in the previous scheme, with the distance increased from a minimum of 4m to a minimum of 7.75m, increasing to over 8m on the northern part of the rear boundary. Therefore the impact in terms of light and outlook is still considered acceptable in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the Residential Design Guide SPD (2010).
- 6.6.5 An objection has also been made that the proposal would result in loss of amenity due to excessive overlooking, loss of privacy and additional noise and nuisance to neighbours to the rear at No. 3 The Circuits. This neighbouring house is a single storey bungalow, with a rear garden approximately 7m in depth from the shared boundary, with its main patio and a number of rear windows to habitable rooms on this rear elevation and it is situated at a lower site level than the application site. The objection has highlighted the fact that impact of the proposal on neighbour's privacy would be increased by the fact that the large silver birch tree that was under a Tree Protection Order that was removed without permission and reduced the perceived separation between the two rear gardens, while the replacement tree is likely to take a number of years to fully grow.
- 6.6.6 It was therefore found in the previously refused case that due to the close proximity of some of the rear rooms and the rear patio of No. 3 The Circuits to the annexe, this would result in harm to neighbouring amenity in terms of perceived and actual overlooking, noise and disturbance. In the current proposal the scale and function of the proposal would still be the same and the width would be increased by 1.5m. However, the distance of the annexe from the rear boundary would be increased to a minimum of 7.70m and it is considered that this, along with the legal agreement to ensure that the use would be ancillary to the main house is considered to be sufficient to ensure that the impact on neighbouring occupiers would be acceptable and would overcome the previous reason for refusal.

6.7 Development and Flood Risk

- 6.7.1 Policy DM10 of the Harrow Development Management Policies 2013 states that new development should make provision for new water connections and reduction of surface water run-off.
- 6.7.2 The application site is not located in a critical drainage area or a higher risk flood zone. The Engineering Drainage Section has recommended a number of conditions related to surface water and sewer water disposal to be attached. Appropriate conditions have been attached below.

6.8 Trees and Development

- 6.8.1 Policy DM 22 of the Development Management Policies states that the removal of trees subject to Tree Protection Orders (TPOs) will only be considered acceptable where it can be demonstrated that the loss of the tree is outweighed by the wider public benefits of the proposal.
- 6.8.2 A neighbour objection has been made that a well-established tree was removed prior to works commencing, which exposed the rear of the garage at the application site which was not previously visible from No. 3 The Circuits. A silver birch which was on site and protected by a TPO was removed without permission and an investigation was undertaken by the Councils' Tree Officer and Enforcement Teams. A new replacement tree was planted and the matter has been resolved.
- 6.8.3 The Council's Tree Officer has not raised any further comments or objections in relation to the current proposal. A condition has been attached to ensure that the protected TPO trees will not be harmed during the construction period.

7.0 CONCLUSION AND REASONS FOR APPROVAL

- 7.1 The proposal, as a residential use ancillary to the main dwellinghouse, would be considered an acceptable development within the application site, which would be an appropriate use that would not unduly impact on the character of the application site or the nearby area, the amenities of the residential occupiers of the adjoining, or nearby properties or nearby protected trees, subject to the attached conditions and Section 106 agreement. The proposed development would therefore accord Policy CS1 of the Harrow Core Strategy 2012, Policies 7.4 and 7.6 of the London Plan (2016) and policies DM1, DM9, and DM22 of the Harrow Development Management Policies Local Plan (2013) or the Residential Design Guide SPD (2010).

APPENDIX 1: Conditions and Informatives

1 Timing

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 Approved Drawing and Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Planning Design and Access Statement Reference 1533/CMCWC/; PL.01 Revision B.

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

3 Waste and Surface Water Disposal, Surface Water Attenuation

The development hereby permitted, notwithstanding the approved Flood Risk Assessment shall not be commenced until details of the following have been submitted to, and approved in writing by, the local planning authority:

- i. works for the disposal of sewage
- ii. works for the disposal of surface water
- iii. surface water attenuation and storage works

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

Reason: To ensure that adequate drainage facilities are provided and to reduce and mitigate the effects of flood risk. This is required as a pre-commencement condition as it would not be possible to ensure that suitable measures would be put in place after works had commenced.

4 Tree Protection Measures

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

Reason: The existing trees represent an important amenity feature which the local planning authority considers should be protected in accordance with Policy DM22 of the Harrow Development Management Policies Local

Plan (2013).

5 Restriction of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Class A, B, C, D or E, in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling and to safeguard the amenity of neighbouring residents.

6 Materials

The materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall match those used in the existing outbuilding/garage.

REASON: To match the appearance of the existing garage/outbuilding and to safeguard the appearance of the locality.

Informatives

1 The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2016)

7.4 Local Character

7.6 Architecture

Harrow Core Strategy (2012)

CS1.B Local Character

CS1. K Lifetime Homes

Harrow Development Management Policies Local Plan (2013)

DM1 Achieving a High Standard of Development

DM9 Managing Flood Risk

DM10 On Site Water Management and Surface Water Attenuation

DM22 Trees and Landscaping

Supplementary Planning Documents

Mayor of London Housing Supplementary Planning Guidance (2016)

Residential Design Guide Supplementary Planning Document (2010)

Accessible Homes Supplementary Planning Document (2010)

Building Regulations 2010 M4 (2) Category 2: Accessible and Adaptable Dwellings

Technical Housing Standards- Nationally Described Space Standard (2015)

2 INFORM PF1 Grant with Pre-Application Advice

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015. 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 INFORM65 M Protection of Highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to nrswa@harrow.gov.uk or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicant's expense. Failure to report any damage could result in a charge being levied against the property.

4 Compliance with Conditions

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

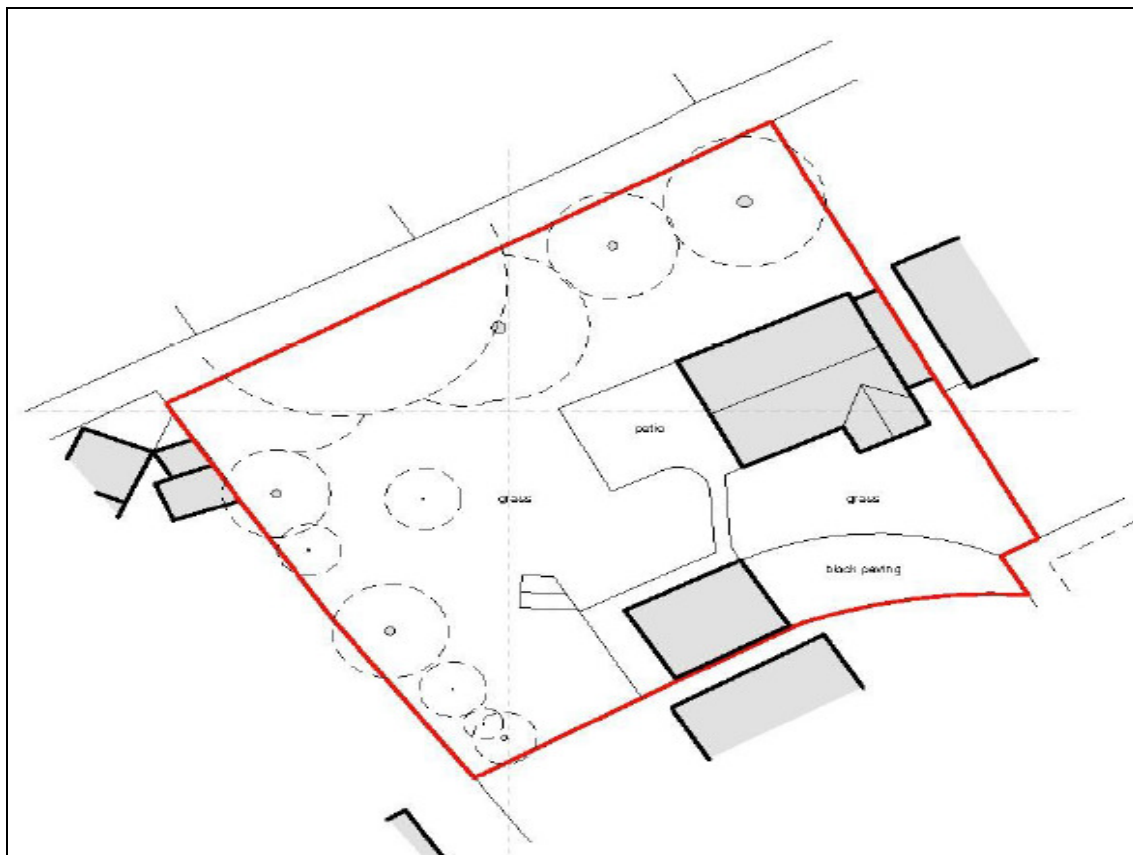
- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of 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: Planning Design and Access Statement Reference 1533/CMCWC/; PL.01
Revision B.

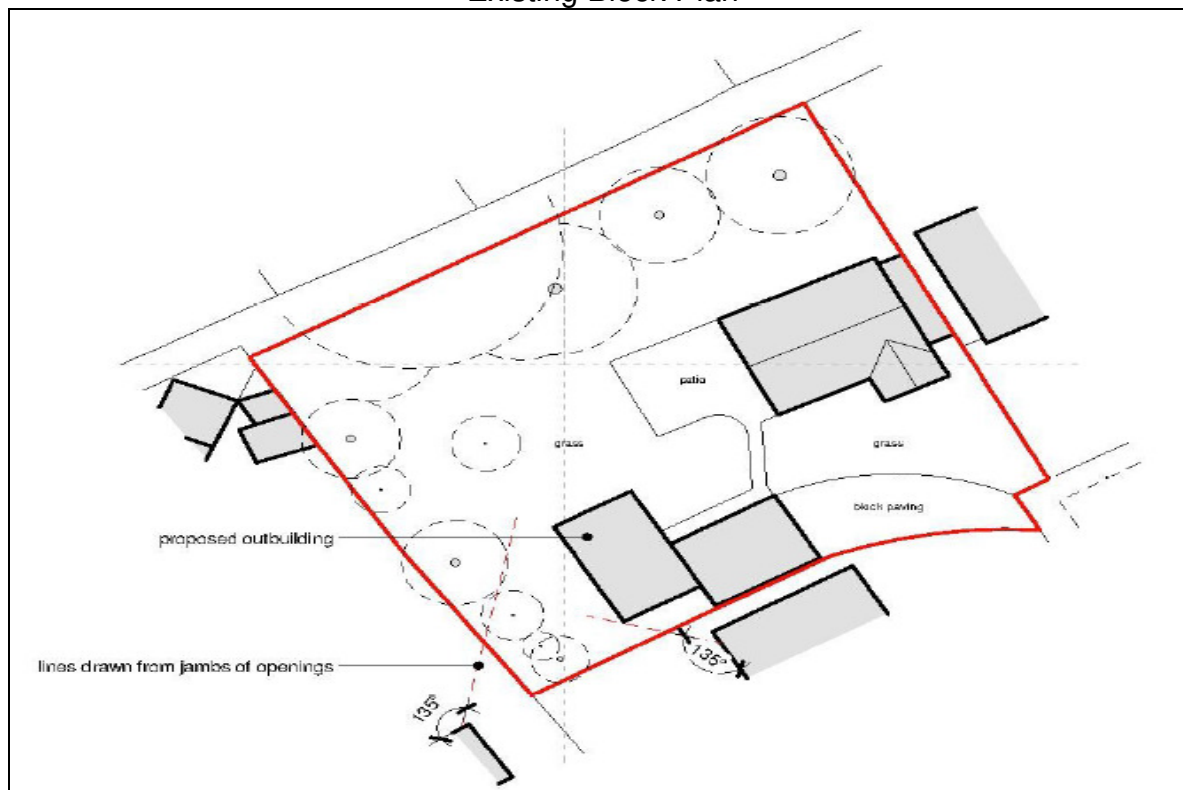
APPENDIX 2: SITE PLAN



APPENDIX 3: SITE PLAN

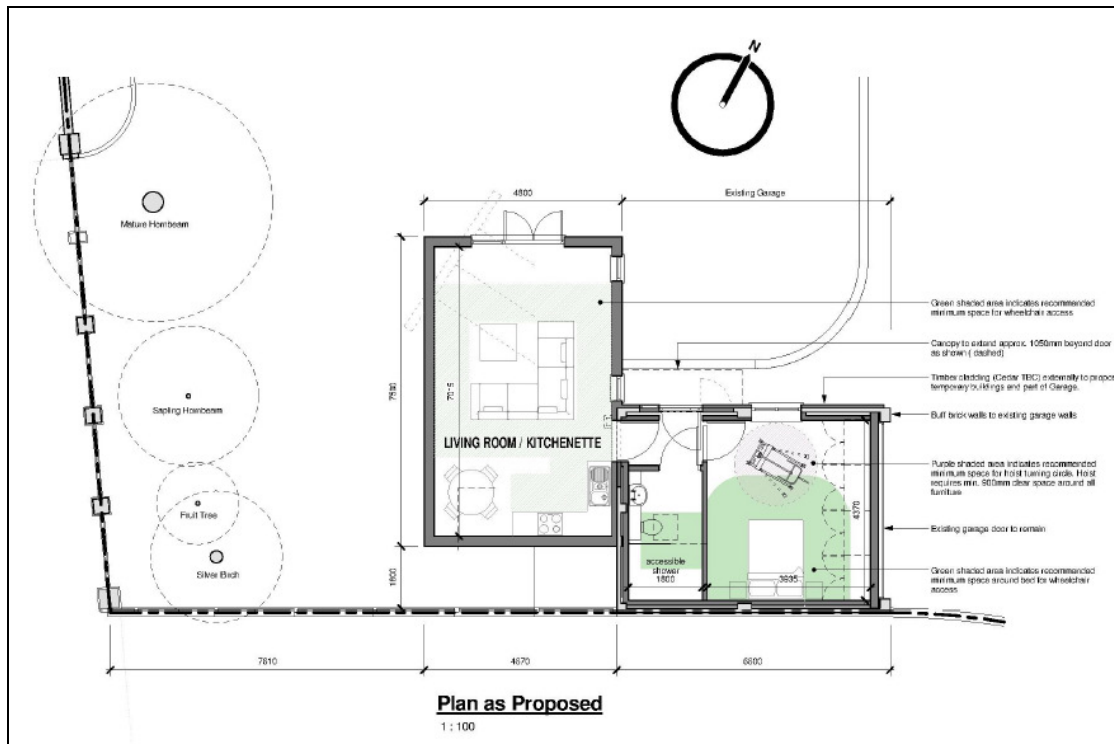
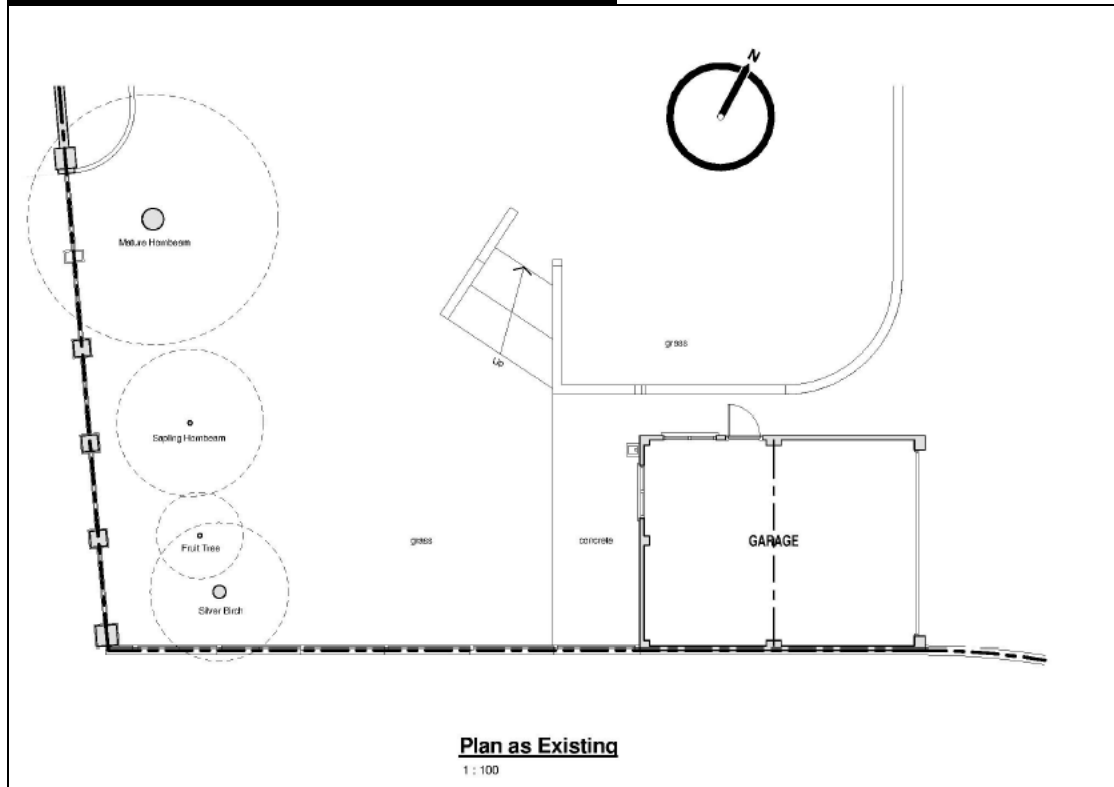


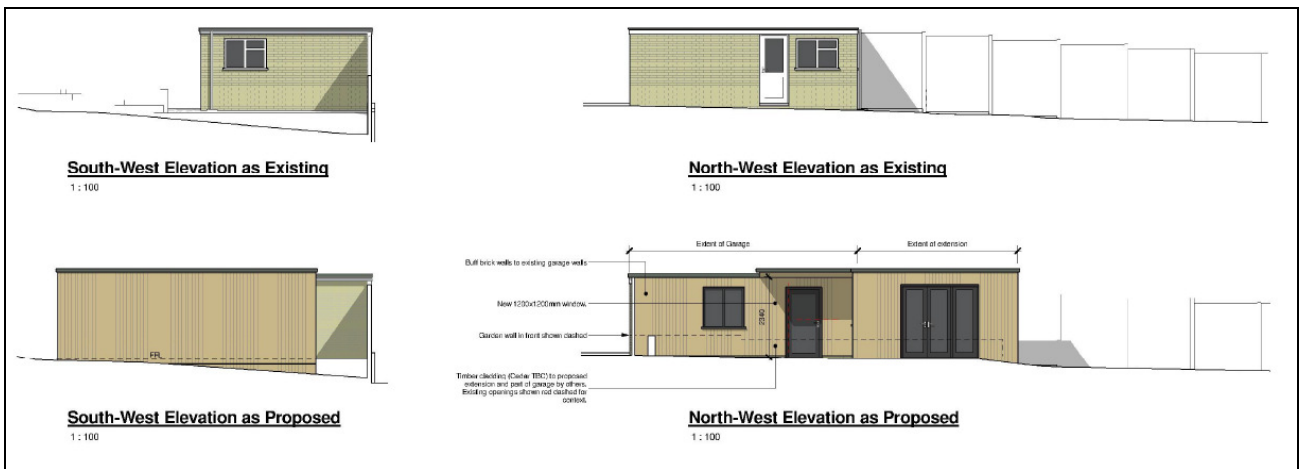
Existing Block Plan



Proposed Block Plan

APPENDIX 4: PLANS AND ELEVATIONS





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