



Appeal Decision

Hearing held on 24 June 2008
Site visit made on 24 June 2008

by Mrs H M Higenbottam MRTPI

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

The Planning Inspectorate
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Decision date:
24 July 2008

Appeal Ref: APP/M5450/A/07/2058492

Land Adjacent to Arches Roxeth Green Avenue Harrow HA2 0QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by ZED Homes Ltd against the decision of the Council of the London Borough of Harrow.
- The application Ref P/1288/07/CFU, dated 26 April 2007, was refused by notice dated 11 October 2007.
- The development proposed is the erection of office building with undercroft parking including 18 solar panels and 7 micro wind turbines.

Procedural Matters

1. The application was amended by email dated 14 August 2007 whilst the Council was dealing with the proposal and during the appeal process by way of the appeal statement and at the Hearing. The main consequence of these changes was that the 7 micro wind turbines were omitted.
2. I consider there would be no prejudice to the Council or any interested parties in omitting the 7 wind turbines. I will determine the appeal on the basis of the amended scheme.

Decision

3. I allow the appeal, and grant planning permission for the erection of an office building with undercroft parking including 18 solar panels at Land Adjacent to Arches, Roxeth Green Avenue, Harrow HA2 0QL, in accordance with the terms of the application (as amended), Ref P/1288/07/CFU, dated 26 April 2007, as shown on plans 06046/100C; 06046/101; 06046/102; 06046/103; 06046/104; 06046/105B; 06046/109D; 06046/110A; 06046/111A; 06046/112A and plans 06046/106C; 06046/107C and 06046/108C submitted on 14 August 2007, subject to the conditions attached as an annex to this decision.

Main issues

4. In this case I consider that there are two main issues. These are
 - The effect of the development proposal on the street scene and the character and appearance of the Biro House development site, within which the appeal site lies; and
 - Whether the proposed undercroft parking area would give rise to a risk of crime or a fear of crime

Reasons

Street Scene/Character and Appearance

5. The appeal site is a roughly rectangular area which is currently occupied by a single storey building. It was previously used as a car repair and MOT garage with parking adjacent. The Metropolitan Line runs overground on a viaduct, to the west of the appeal site. An elevated railway spur is to the south of the appeal site. To the east is an electricity substation.
6. The appeal site is within the Biro House development site. Planning permission was granted for 180 flats, offices car parking and the use of the 11 Arches under the railway for A1/A2/3/A4/B1/D1/D2 uses. A further development, on the EDF site for 12 flats with 4 wind turbines was also granted planning permission. Vehicular access to this second development is via the Biro House development.
7. In the Arches part of the Biro House approved development parking spaces were to be provided on the Roxeth Green Avenue side of the railway spur and on the Stanley Road side. There was to be no vehicular through route between the two parking areas. A wide pedestrian boulevard between the Arches units and the parking spaces would run from Roxeth Green Avenue to Stanley Road. Access to the parking spaces for the Arches would be over the pedestrian boulevard. The railway spur was to be retained with a cycle storage area constructed within the end spur arch.
8. The current appeal proposal would occupy the area adjacent to the electricity sub-station and Roxeth Green Avenue, in place of some of the parking spaces permitted and on part of the pedestrian boulevard. The proposed building would have 7 undercroft parking spaces. The remaining five permitted parking spaces to the south of the proposed building would be unaffected by the appeal proposal.
9. Whilst the proposed building would be sited closer to Roxeth Green Avenue than No 102, it would be seen within the context of the railway viaduct and bridge over Roxeth Green Avenue. Moreover, the proposal is separated from No 102 by the sub station site and the side garden of No 102. This degree of visual separation would result in the proposal relating to a greater extent to the Biro House development than the existing development within Roxeth Green Avenue.
10. In my view, the appeal proposal would provide a gateway building into the commercial element of the Biro House development. It would be seen within the context of the Biro House development. Its design, scale and form would respond well to the flat blocks situated within the Biro House development. The height of the proposed building would be only marginally higher than the brickwork of the railway viaduct to the west and I consider it would not be out of place. Furthermore, it would be lower than flat blocks within both the Biro House and EDF developments.
11. In the approved Biro House development a minimum of 12.8m was available between the Arches at the northern end of the site and the proposed parking spaces. Both parties agreed that the proposal would retain a minimum of 10.3m between the Arches units and the front elevation of the proposed

building. The existing footpath to the west of the railway viaduct is 3.5m wide and is to be retained. The pedestrian boulevard, with a width of 10.3m would therefore be significantly wider than this existing footpath.

12. Whilst the proposal would reduce the width of part of the approved pedestrian boulevard, the retained space would, in my view, be adequate to create a wide area in which pedestrians could walk. There would be adequate space to provide hard and soft landscaping including lighting to create an attractive pedestrian boulevard. To my mind, the reduction in the width available would not detract from the Biro House development and would not undermine the desire of creating a spacious pedestrian environment as envisaged in that development.
13. The Council and third parties were concerned about the proposal limiting views between Roxeth Green Avenue and Stanley Road along the pedestrian boulevard. However, the existing railway spur dissects this space and was always going to be retained. Moreover, a cycle storage facility was permitted to be constructed in the end arch of the railway spur. Due to the angle and length of the railway spur and the relationship to the Arches units' views along the pedestrian boulevard would always have been interrupted. I therefore find the proposal would not materially diminish views along the pedestrian boulevard and due to its retained width the proposal would not materially affect its openness.
14. I therefore find that the appeal proposal would not harm the Roxeth Green Avenue street scene or the character or appearance of the Biro House development. This would comply with Policy D4 of the Harrow Unitary Development Plan which requires developments to have a high standard of design and layout, complementing their surroundings and having regard to the scale and character of the surrounding environment.

Undercroft Parking

15. A letter from the Metropolitan Police (MP) was submitted at the Hearing. The MP have raised concerns about the undercroft parking area becoming an area where young people would gather and commit crime and anti-social behaviour increasing the fear of crime for staff, local residents and passers-by. Third parties and the Council concur with these views.
16. In addition to the measures set out within the appellant's evidence, they proposed the incorporation of security grilles/shutters for the openings of the undercroft parking area. The fitting of security grilles/shutters was not considered by the MP. However, in my view, if these were fitted to the building and required to be closed when youths were most likely to gather, it would prevent youths congregating within the undercroft parking area.
17. I consider the design and style of the security grilles/shutters would require careful consideration but from the information available, consider this could be achieved in a satisfactory way. A requirement for security grilles/shutters to be fitted and kept closed during certain hours could be achieved by the imposition of conditions and would in my view address the main concerns of objectors on this issue.

18. During the day I consider that there would be surveillance of the undercroft parking area by occupiers of the Arches opposite the appeal building, of the appeal building itself and pedestrians using the boulevard. Whilst, there would be limited surveillance provided by the window within the ground floor reception area, it would be in the interests of the occupiers of the building to ensure adequate measures were in place to prevent damage to their property or vehicles. This could of course be achieved by any security grilles/shutters being closed during the day. However, I do not think that it would be reasonable to require the security grilles/shutters to be closed during the day when there is likely to be general activity within the Arches units and the pedestrian boulevard which would provide natural surveillance.
19. I therefore find that the proposal, subject to the requirement for security grilles/shutters to be fitted to the undercroft parking area and closed during certain periods, would be unlikely to increase the risk or fear of crime. This would comply with UDP Policy D4 (F) which seeks to discourage crime through the high quality design and layout of developments.

Other Matters

20. Third parties have raised concerns over parking provision and vehicular access. The Council consider that the proposed level of parking is acceptable for both the proposed office building and the Arches development.
21. The appeal site has good public transport accessibility. A total of 12 parking spaces would serve the Roxeth Green Avenue Arches and the proposed building, 7 spaces being within the undercroft parking area. The Council state that this is an overprovision of parking. On the information available, I consider that there would be adequate parking available for the office building and retained for the Arches units.
22. The access way off of Roxeth Green Avenue would be amended compared to that granted under the Biro House development. The Council have raised no highway objections to the proposal, subject to the imposition of a number of conditions. Whilst I understand third parties are concerned with the proximity of the access to the railway bridge over Roxeth Green Avenue, I have no evidence to suggest that the proposed access would be prejudicial to highway safety. Furthermore, from what I saw on site, I consider that the proposed access would enable adequate visibility in both directions along Roxeth Green Avenue. I therefore find, subject to suitable conditions requiring details of the access from Roxeth Green Avenue and the provision of visibility splays the Council, the proposed access would be acceptable in terms of highway safety.
23. In addition to the conditions already referred to I agree that the external materials of the proposed building and hard and soft landscaping schemes, including boundary treatments, are necessary in the interests of the appearance of the area. In the interests of ensuring adequate parking I agree that the undercroft parking shall be provided and retained in connection with the office use. In the interests of the living conditions of nearby residents I will impose conditions requiring no outside storage and controlling the hours of construction and demolition for the development.
24. The Council sought a condition requiring submission of a method statement for demolition and construction to be agreed with the London Underground Ltd

(LU). In my view it would be inappropriate to require the submission and approval of details to and by LU. However I see no reason why, in accordance with standard practice, the details could not be submitted to the local planning authority who would then liaise with LU before issuing their approval or otherwise.

25. The amended plans omit the south east elevation of the bin storage area. I will therefore impose a condition requiring the submission of this elevation.
26. The Council provided no explanation as to why site fencing during the course of the development or surface water details are required. In my view, these would be adequately dealt with by other legislation. The Council also requested details of levels of the building. I consider that submitted amended plans adequately demonstrate levels and such a condition is not therefore necessary.
27. For the reasons given above I conclude that the appeal should be allowed.

Hilda Higenbottam

Inspector

APPEARANCES

FOR THE APPELLANT:

Ms R Jubb BSc MA MRTPI	Bell Cornwell, for the appellant
Mr M Hester BA(Hons) Dip Arch RIBA	Hester Architects Ltd, for the appellant
Mr M Shwartz	Zed Homes Ltd
Mr D Layton	Zed Homes Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Pearson BSc Econ Dip TP MRTPI	Pearson Associates, Consultant acting for the Council
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INTERESTED PERSONS:

Cllr Kinnear	Ward Councillor, 12 Angel Road, Harrow HA1 1JY
Mr J Riches	Committee Member of Roxbourne Action Group, 111 Roxeth Green Avenue, Harrow HA2 0QJ
Ms K Thomas	Committee Member of Roxbourne Action Group, Flat 1, 151 Roxeth Green Avenue, South Harrow, Middlesex HA2 0QJ

DOCUMENTS AND PLANS

- 1 Letter dated 6 April 2008 from PC Mark Dowse Crime Reduction Unit Harrow Police Station
- 2 Examples of Security Grilles/Shutters
- 3 Hard and Soft Landscaping Proposals for Biro House Development (drwg nos BNL15426-11 and BNL15426-12)
- 4 Letter from the Council dated 17 March 2008 approving details pursuant to condition 5 of planning permission P/1233/05/CFU
- 5 Schedule of Viewing Points submitted by RAG

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.
- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials.
- 4) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.
- 6) Any trees or plants which within a period of 2 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 7) Demolition or construction works shall not take place outside 0700 hours to 1800 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.
- 8) No development shall take place until details of the security grilles/shutters to be fitted to the undercroft parking area of the building 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.
- 9) No development shall take place until the time during which the security grilles/shutters, approved under condition 8, shall be kept closed have been submitted to and approved in writing by the local planning authority. The security grilles/shutters shall be kept closed during the approved hours.
- 10) No development shall take place until details of the means of vehicular access and visibility splays have been submitted to and approved in writing by the local planning authority. The building shall not be occupied until the access and visibility splays have been provided in accordance with the approved details. The access and visibility splays shall thereafter be retained.

- 11) No development shall take place until details of the south eastern elevation of the bin store have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 12) No development shall take place until a method statement for demolition and construction works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 13) The development hereby permitted shall not be occupied until the 7 undercroft parking spaces have been provided and they shall not be used thereafter for any purpose other than the parking of vehicles.
- 14) No storage shall take place outside of the building hereby permitted.