
Appeal Decision

Site visit made on 4 October 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 08 November 2016

Appeal Ref: APP/M5450/W/16/3152931

Harrow View West (the former 'Zoom Leisure' Sports Ground), Harrow View, Harrow and Wealdstone, London HA2 6QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Persimmon Homes North London against the Council of the London Borough of Harrow.
 - The application Ref P/1705/16, dated 8 April 2016, sought approval of details pursuant to condition No 4 of a planning permission Ref P/2982/15 granted on 26 October 2015.
 - The development proposed is approval of all reserved matters for Phase 1B only (land west of Harrow View – formerly Zoom Leisure sports grounds) and details pursuant to conditions 5(Phasing Plan), 8(Urban Design Report), 9(Energy Strategy) 10(Ecology and Biodiversity Strategy), 11(Construction Management Plan), 12(Housing Schedule), 13(Daylight and Sunlight Assessment), 14(Surface Water Strategy), 15(Accessibility Strategy), 16(Lighting Strategy), 17(Refuse Strategy), 19(Arboricultural Strategy), 20(Landscaping), 21(Transport Strategy), 22(Heritage Impact Assessment), 23(Levels), 37(Flood Risk Assessment) and 42(Site Waste Management Plan) following outline planning permission granted under P/3405/11 dated 21.12.2012 which was varied by outline planning permission P/0873/14 dated 23.12.2014 for the comprehensive, phased, mixed use development of land at Harrow View and Headstone Drive.
 - The details for which approval is sought are: facing materials for the buildings (coping to top of walls), windows/doors, roof materials, balcony screens including balustrade detail and privacy screens, ground surfacing including all footpaths, parking bays, kerbs and highway, raised planters, external seating, screening for the refuse area for the dwelling houses and proposed cycle storage for individual houses (in the form of a lockable shed).
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Decision

1. The appeal is allowed and the facing materials for the buildings (coping to top of walls), windows/doors, roof materials, balcony screens including balustrade detail and privacy screens, ground surfacing including all footpaths, parking bays, kerbs and highway, raised planters, external seating, screening for the refuse area for the dwelling houses and cycle storage for individual houses details submitted pursuant to condition No 4 (a-part, b-i) attached to planning permission Ref P/2982/15, granted on 26 October 2015 in accordance with the application Ref P/1705/16, dated 8 April 2016, for the site shown on drawing number 15.005.112, are approved.
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Application for Costs

2. An application for costs was made by Persimmon Homes North London against the Council of the London Borough of Harrow. This application is the subject of a separate Decision.

Procedural Matters and Background

3. Outline planning permission¹ was granted for a comprehensive, phased, mixed use development of land at Harrow View and Headstone Drive in December 2012. Minor material amendments² were approved to this outline planning permission involving the relocation of a primary school, leisure use, community centre and interim energy centre in December 2014. Approval of reserved matters³ for Phase 1b only (land west of Harrow View – formerly 'Zoom Leisure' Sports Ground) and details to conditions, as set above, were approved in October 2015.
4. The original application form was not specific in the terms of the details to be discharged. However, based on the appeal documentation, the proposal seeks the approval of condition 4 (a-part, b-i) of the 2015 Approved Matters approval which is reflected in the fifth bullet point of the banner heading on the previous page. It is also dated 8 April 2016. Condition 4 reads as follows:

'Notwithstanding the details shown on the approved drawings, the development hereby approved shall not progress beyond the damp proof course until samples of the materials (or appropriate specifications) to be used in the construction of the external surfaces noted below have been submitted to and agreed in writing by, the local planning authority:

- a. Facing materials for the buildings (including any boundary walls that front a highway)*
- b. Windows/doors*
- c. Roof materials*
- d. Balcony screens including balustrade details and privacy screens*
- e. Ground surfacing including all footpaths, parking bays, kerbs and highway*
- f. Raised planters*
- g. External seating*
- h. Proposed screening for the refuse area of the dwelling houses*
- i. Proposed cycle storage for individual houses (in the form of a lockable shed).*

The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

5. Since the appeal was lodged, it has been indicated that detail approvals have been given under different parts of condition 4. However, any changes to the proposal set out under the banner heading would be late in the appeal process

¹ P/3405/11.

² P/0873/14.

³ P/2982/15.

and this appeal decision is based on the final external materials proposal (FEMP) 15 June 2016, detailing materials, finishes and relevant plan drawing number. This is the most up to date document on details considered by the Council because it was submitted just before the lodging of the appeal. Furthermore, it is not clear whether these other detail approvals related to the same materials, finishes and features within the FEMP, as the referenced plans numbers are different. Accordingly, the appeal has been determined in accordance with the description as set out in the appeal form and the details contained within FEMP.

Main Issue

6. Based on the submitted documentation and details, I concur with Council's views on the acceptability of certain details under condition 4 at paragraphs 15.1.1-15.1.7 of the Council's Statement of Case. These cover doors (part of 4(b)), roof materials (parts of 4(c)), ground surfacing (parts of 4(e)), raised planters (4(f)), external seating (4(g)), proposed screening to the refuse area for the dwelling houses (4(h)) and proposed cycle storage for individual houses (in the form of a lockable shed) (4(i)).
7. In the appeal documentation, the appellant indicates no approval has been given to the proposed GRP coping to the tops of walls to match the colour of the agreed roof tile (part of 4(a)) which has been specifically requested by the Council at a meeting. Even though the Council has not commented upon this, I find this acceptable given the palette of materials chosen for the development.
8. Therefore, I consider that the main issue in this appeal is the effect of certain proposed details in the character and appearance of the area. These details are windows (remaining part of 4(b)), fascia boarding and guttering (remaining part of 4(c)), balcony screens (4(d)) and paving slabs (remaining part of 4(e)).

Reasons

9. The appeal site covers the northern part of the former 'Zoom Leisure' Sports Ground site that included car parking and privately owned recreational areas, and is part of a large area to be developed. At the time of my site visit, development of the site was under way. The site lies within the 'Heart of Harrow' in the Harrow and Wealdstone Area Action Plan (HWAAP) 2013. The surrounding area is varied with suburban residential development of varying designs, the Kodak factory site and Headstone Manor Recreation Ground. Headstone Recreation Ground is designated as Metropolitan Open Land under local plan policy and includes Headstone Manor, a grade 1 listed building with grade II listed outbuildings, which is also a designated Ancient Monument.
10. The permitted housing is mainly two-three storey and designed in a contemporary style, with buff coloured brick, approved under a separate approval of details under condition 4(a). In the development, the window to be used is a Munster double glazed uPVC window with a 60mm wide externally visible frame in RAL Colour 7015. The Council requires an aluminium or composite material frame window type. There is some dispute over the sample window given to the Council but following Council's comments, the appellant has confirmed that a simpler window frame, as set out here, was being put forward which is detailed in the FEMP.

11. Whilst aluminium or composite window types can give slimmer and more minimalistic appearances to fenestration, the uPVC window would still appear contemporary with narrow outer frame edges which would be grey metal coloured. The overall expansive areas of glass, without horizontal or vertical glazing bars, would further be in keeping with this style. Additionally acceptability of the window type to be used was confirmed by samples which I saw on my site visit. By reason of the window being simple set within a large wall area, it would also comply with the requirements of the Architectural Character Zones 4 (Headstone Manor Historic Zone) document approved as part of the original outline consent.
12. Poor appearance issues of uPVC windows have been highlighted arising from crudely constructed frame corner joints and a construction process resulting in windows with unequal sized frames, due to imbalanced and slightly chamfered windows. However, the appellant has indicated the windows would be made by way of an automated manufacturing process which would meet quality requirements within the Quality Management System prescribed by ISO 9001:2008. Furthermore, the supplier provides a 10 year warranty on the windows which also guarantees the colour of the frame. In terms of maintenance, all types of windows need to be cleaned to prevent discoloration, and require the lubrication and the servicing of working parts. In this regard, uPVC windows would be no different from any other type of window. As to long-term life-time durability, uPVC windows have shorter life spans than aluminium but based on the evidence before me in terms of quality standards, they would remain resilient and robust over a considerable period of time.
13. The site does adjoin Headstone Manor but the impact of the development on the setting of the listed buildings within it has largely been accepted through the detailed housing permission granted. In this regard, the contemporary design of the development has been accepted, along with its layout and scale, to ensure that the listed buildings and their settings would be preserved having regard to their special architectural and historic interest. For the reasons indicated, the use of the uPVC window type would be acceptable within the contemporary housing scheme and therefore the development would not harm heritage asset significance or any area of historical importance.
14. My attention has been drawn to several organisations, including Historic England, who advise against the use of uPVC windows on the grounds of character but much of the advice against modern windows is for older historic buildings. Discussions at the time of the reserved matters application and the approved planning statement, 'Materials Strategy, June 2015', would indicate the use of aluminium frames according to the Council. Irrespective of this, condition 4 reserved the future approval of details, including window and consequently any submitted details have to be considered on their particular planning merits. The Council has indicated that they have not approved any uPVC windows within the Heart of Harrow area but similarly, every proposal has again to be considered on its particular planning merits. Furthermore, in indicating this, the Council has brought to my attention only one example at Sudbury Hill of its approach and therefore I attach little weight to this consideration.
15. Turning to roof materials, the Council has commented on the lack of fascia board and guttering to address condition 4(c). Some detailing has been shown on elevation plans showing the development, albeit at a small scale, but also

on detailed drawing number GD-EAV-12 Revision C2. Whilst the Council has indicated a lack of sample or specification, the level of detail demonstrates that the fascia boards and guttering would be small scale features within the overall elevations of the residential units permitted and would be in keeping with the contemporary design of the development. Additionally, I inspected with the Council some fascia boards and guttering on constructed buildings, the design and construction of which confirmed the acceptability of details.

16. In terms of Condition 4(d), the Council has indicated that the balconies should be fixed within the window reveals behind which the appellant has not agreed to. Nevertheless, the elevations concerned would still remain attractively designed by reason of the arrangement of fenestration and doors, with recessed brick panels, and use of materials and finishes. The metal elements of the balcony would also be galvanized and coloured in RAL 7015 as indicated on drawing number GD-BAL-01 Revision C3 which, along with its design, would result in a high quality design. In any case, the appellant's consulting engineer has advised that recessing the balcony could result in individual bricks 'spalling' adjacent to fixings, or bricks being pulled out altogether, which could result in balcony failure and fatality. In the absence of any technical rebuttal, I attach significant weight to this.
17. Finally, the Council has indicated that no detail or sample has been provided in terms of paving slabs to the properties (Condition 4(e)). However, drawing numbers 17431-HARR-5-650J PHASE 1A Surface Finishes and 17431-HARR-5-652 C PHASE 1B Surface Finishes show sizes of paving slabs. There is also a significant level of detail submitted in respect of footpaths, highways and parking areas, including conservation kerbs. Accordingly, the overall level of detail is considered appropriate to determine the acceptability of the impact of surface materials on the character and appearance of the area.
18. The Council has undertaken a significant investment in the Heart of Harrow to deliver its places, communities and employment opportunities programme which aims to ensure that the design quality of places meet and exceed the expectations of the Borough's residents. The build-out will be the first phase of a comprehensive development at Harrow View and Headstone Drive. I note that the Council's argument that the current proposal would set a precedent for the future phases of development. However, the details before me have been determined on their individual merits and a generalised concern of this nature does not merit withholding permission in this case. Furthermore, I have not been persuaded that the quality of materials and finishes for this scheme is unacceptable.
19. In summary, the details submitted to discharge Condition 4(a- part, b-i) would not harm the character and appearance of the area. Accordingly, there would be compliance with Policy DM1 of the Development Management Policies Document 2013, Policies AAP1 and AAP4 of the HWAAP, Policy CS1.B of the Harrow Core Strategy 2012 and Policy 7.4B of the London Plan 2015, which collectively and amongst other matters, requires high quality design, that the assessment of design should have regard to materials, colours and detailing, and that all development throughout the Heart of Harrow should use high quality, durable and serviceable materials to the external finishes of the buildings.

Conclusion

20. In conclusion, the details submitted for approval under P/1705/16 would not harm the character and appearance of the area and Condition 4 (a - part) (b-i) of Reserved Matters Approval F/2982/15 is approved, as set out in the FEMP, for the site as shown on drawing number 15.005.112.
21. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR