

PLANNING STATEMENT



ON BEHALF OF MONTAGUE ESTATES (UK) LTD

**MINOR MATERIAL AMENDMENT
PURSUANT TO S73 OF THE TOWN
& COUNTRY PLANNING ACT 1990**

**DEVELOPMENT AT
WYLDEWOODE, THE AVENUE,
NORTHWOOD, HA6 2NJ**

DECEMBER 2023

CONTENTS

<u>No.</u>	<u>Section</u>	<u>Page</u>
1	Introduction and Background	3
2	Justification for Changes	5
3	Conclusions	9

APPENDICES

<u>Ref.</u>	<u>Appendix</u>	
A	Modifications To Approved Elevations	10

**WESTBOURNES
TOWN PLANNING CONSULTANTS
THE BLOOMSBURY BUILDING
10 NEW OXFORD STREET
LONDON, WC1A 2SL**

1. Introduction and Background

- 1.1 On 15th March 2021, Montague Estates (UK) Ltd applied to the Council for planning permission (Ref:13305/APP/2021/1007) for the demolition of the existing dwelling and annex at Wyldewoode, and the erection of two detached buildings comprising four semi-detached town houses. This followed the refusal of an earlier application (Ref:13305/APP/2020/2690) involving a single building, comprising four terraced town houses.
- 1.2 Planning permission for the scheme was granted on 7th March 2022, pursuant to a resolution of the Council's Planning Committee of 15th February 2022, in which the officer recommendation to approve the application was ratified by Members. A total of 16 planning conditions and 6 informatics were imposed upon the permission.
- 1.3 On the 3rd of August 2022, the Council validated our client's application (Ref: 13305/APP/2022/2466) for the discharge of eight of the pre-commencement conditions; 3 (materials), 6 (splays), 7 (landscaping), 8 (trees), 9 (ecology), 11 (access), 13 (levels) and 14 (construction).
- 1.4 Several amended drawings and details were submitted to the Council during the early part of the determination, whilst a dispute also arose regarding the appropriateness of the proposed external materials.
- 1.5 Further information was submitted to justify the applicant's position, primarily a review of the materials used on surrounding properties, but this did not generate any substantive response from the Council. In the meantime, the developer, under pressure to deliver the approved dwellings following the Covid-19 hiatus, determined that they should proceed with the development, having acted in good faith, and in anticipation that the Council would discharge the conditions.
- 1.6 Despite the passage of 11 months, the application remained undetermined and on 12th July 2023, acting on instructions from Montague Estates (UK) Ltd, Westbournes served upon the Council a 'Notice of Deemed Discharge',

pursuant to Articles 27-30 of the Town & Country Planning (Development Management Procedure) (England) Order 2015. The effect of such Notices is that any conditions specified upon the Notice shall be deemed to have been discharged if the LPA fails to determine the application within 14 days of the date on which the Notice is served (in this case, the 12th of July 2023). In the event, the Council refused the application on 17th July and, therefore, none of the conditions were discharged, despite confirming that all but condition 3 were uncontentious and capable of being discharged.

- 1.7 On 22nd August 2023, Westbournes wrote to the Council's Planning Services Manager seeking: (a) release of decision notice for the uncontentious planning conditions (on the basis of PAS guidance which encourages 'split decisions'); and (b) feedback on the additional evidence submitted in support of the external materials implemented at the property. The Council unilaterally chose to treat the letter as a complaint¹, entering it into its complaints handling process. Some eight weeks passed before the Council provided a substantive response (23rd October 2023) which rejected the notion of split decisions and did not advance the consideration of external materials beyond its earlier decision.
- 1.8 Without prejudice to the Council's ability to issue decisions, re-submissions of details to discharge the relevant conditions were then submitted: the first, on 2nd November, in respect of the uncontentious conditions (6, 7, 8, 9, 11, 13) and 14; and the second, on 3rd November, relating to condition 3 (external materials). Both applications have been validated and decisions awaited. Applications for the submission of details relating to conditions 15 (drainage) and 16 (energy) have also been submitted.
- 1.9 During construction of the development, several opportunities to make minor alterations were identified and implemented. The Council is aware of these changes following a site visit by one of its compliance officers. This application seeks to amend the approved drawings authorised by condition 2 in order to achieve consistency with the completed dwellings.

1. Despite no complaint having been made by the applicant.

2. Justification for Changes

- 2.1 The changes to the development are identified at Appendix A. These do not substantially alter the scheme and fall entirely within the province of a minor material amendment. The following section describes the changes and sets out the justification for their approval.
- 2.2 The principal change relates to the roof. Whilst the building is now only 10cm taller than approved (representing an increase of just 1.3% relative to its height and remaining entirely comparable to its peers), the overall depth of the roof has increased by c.50cm. Not only does this facilitate improved living space within the second floor level, the eaves now truncate with the upper edge of the first-floor windows, thereby resolving the rather awkward 'floating' position of those windows in the approved scheme and achieving design-parity with the neighbouring dwellings.
- 2.3 The height of the dormer on each property has also increased. This has resulted in the window level of the dormer being raised relative to the ridge. There have also been changes to the design details of the dormers, such as the facias and soffits, and a transom split added to each dormer window. The finishing material now also matches that of the principal roof material. Thus, despite being larger, the revised finish better integrates with the roof itself.
- 2.4 Raising the dormers also enables them to function more effectively, when compared to their previous location around leg height. As a result, they now provide outlook for occupiers of the fourth bedrooms, and can now more effectively operate as a fire escape.
- 2.5 A rooflight has also been introduced to the side roof slope of each unit. This is to serve the family bathroom in each dwelling, which did not previously receive natural light. Given the height and angle of the windows, there are no negative impacts on the amenity and privacy of neighbours.

- 2.6 Changes have also been made to the design and location of windows located on front and side elevations. All windows have been raised marginally as they were previously too low relatively to floor levels. A transom split has also been added to one side of each pair of windows on the front elevation, which retain symmetry across the dwelling pairs. The dimensions of the first-floor side elevation windows have also been altered, which are now high-level windows.
- 2.7 Header and sill stones have also been removed from all windows, and replaced with soldier courses. This maintains a consistent level of design detail across the dwellings.
- 2.8 Changes have also been made to the rear of the dwellings. Glazing bars have been removed from rooflights and brick banding removed (save for the banding at floor level, which now matches other fenestration details), whilst soldier courses have also been introduced above the rear doors. The thickness of the rear doorframes has also reduced, alongside the introduction of deeper eaves, which is characteristic of the local area.
- 2.9 The pitched glass roof at ground floor level has been replaced with a flat roof, skylight and parapet wall. This presents as a considerable improvement over the glass roofs which were awkward and incongruous with the overall design.
- 2.10 The chimneys have been removed on both sides of the pairs of dwellings. These served no functional purpose and were inconsistent with the clean, contemporary design of the buildings. The approved drawings also showed a pillar between the front door and bay window of each property; however, this provided no structural functionality, and created an excessive sense of enclosure. These have been removed.
- 2.11 Overall, the changes remove a series of contradictory styling elements. Indeed, the approved dwelling was rather contrived, with aspects of both traditional and contemporary design clashing against one another. The revised dwellings are arguably more homogeneous and successful in themselves.

Policy Compliance

- 2.12 The dwellings continue to accord with all relevant Local Plan policies.
- 2.13 Policy BE1 (Built Environment) is highly pertinent, requiring new development to *“improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods”*. The dwellings certainly maintain the quality of the local environment and arguably improve it by removing incongruent and often contrived design features. Indeed, the buildings are now less fussy, with features and materials which unite the form and appearance of the dwellings.
- 2.14 Policy DMHB11 of the Local Plan requires *“the highest standards”* of design and the incorporation of good design principles, such as *“harmonising with the local context by taking into account the surrounding”*. Evidently, the dwellings continue to contribute positively to the surrounding area, with comparable heights and massing, alongside similarly high-quality design. The area is defined by its eclecticism and different styles and materials, to which the dwellings contribute as part of the area’s ongoing evolution. Each unit also meets or exceeds the standards at policy DMHB16.
- 2.15 It is therefore evident that, despite alterations, the dwellings continue to accord with all relevant policy. This is as a result of the continued use of high-quality materials and design, alongside the modest nature of the changes made.

3. Conclusions

- 3.1 It is clear the changes detailed within this application do not fundamentally alter the style or scale of the development and are therefore acceptable as a minor material amendment pursuant to s73 of the Town & Country Planning Act 1990
- 3.2 The changes are, by and large, stylistic, and ensure that a finish of equal or improved quality is secured when compared to the approved scheme. There is also now consistency between the elevations and submitted material details.
- 3.3 The changes ensure the buildings remain entirely congruous in the street scape. This is seen through the largely retained scale, massing, and height of the dwellings, with finishing details which contribute to the eclectic character of the street. Thus, the setting and character of the area is not negatively affected by any the changes.
- 3.4 Several of the changes lead to improved accommodation, such as the enlarged dormers, introduction of skylights and improved relationship between floor levels and windowsills. The deletion of the pitched rear glazing and replacement with rooflight and parapet walls is arguably an improvement.
- 3.5 The submission of a s73 application also presents an opportunity to grant a single consolidated consent and we encourage the Council to review all conditions to ensure these are contemporaneous with the package of details submitted to the Council recently to discharge all relevant conditions.

MODIFICATIONS TO APPROVED ELEVATIONS**Front Elevation**

TITLE	CHANGES TO FRONT ELEVATION
PROJECT	25 THE AVENUE, NORTHWOOD, HA6 2NJ
westbournes Town Planning Consultants, The Bloomsbury Building, 10 New Oxford Street, London, WC1A 2SL	

Date: 19/12/2023

NOTE: DO NOT SCALE

Dormer <ul style="list-style-type: none"> Dormer size increased, with 3 tiles above and below Dormer cladding now matches roof material Soffits and facias altered Window transom added Decorative flashings added 	First Floor Windows <ul style="list-style-type: none"> Sills and headers removed - replaced with soldier courses One transom split added per set of windows Ground Floor Windows <ul style="list-style-type: none"> Sills and headers removed - replaced with soldier courses Transoms added to central window pair 	Other Changes <ul style="list-style-type: none"> Chimneys removed Upper levels banding removed Lower banding colour changed to grey Front door moved to front of building with columns removed Side rooflight now perceptible All windows raised Door colour changed to match other details
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Rear Elevation



TITLE CHANGES TO REAR ELEVATION
PROJECT 25 THE AVENUE, NORTHWOOD, HA6 2NJ
 Town Planning Consultants, The Bloomsbury Building, 10 New Oxford Street, London, WC1A 2SL

Date: 19/12/2023

NOTE: DO NOT SCALE

Rooflight/Windows <ul style="list-style-type: none">Headers and sills removed – replaced with soldier coursesFirst floor windows raised	Rear Doors <ul style="list-style-type: none">Thickness of door frames reducedSoldier courses introduced over doors	Other Changes <ul style="list-style-type: none">Glass to rear GF roof has now been replaced with a parapet wall and skylightChimneys removedUpper levels banding removedLower banding changed to greyGrey aluminium copings
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Side Elevations²



TITLE
CHANGES TO SIDE ELEVATIONS
PROJECT
25 THE AVENUE, NORTHWOOD, HA6 2NJ
 Town Planning Consultants, The Bloomsbury Building, 10 New Oxford Street, London, WC1A 2SL
Date: 19/12/2023
NOTE: DO NOT SCALE

Dormers/Windows <ul style="list-style-type: none"> Dormer size increased Dormer cladding changed to match roof Gf and ff windows raised Skylight introduced FF windows changed to high level Sills and headers replaced with solider courses 	Materials <ul style="list-style-type: none"> Upper levels banding removed Lower banding changed to grey Glass to the rear replaced with parapet wall and skylight FF windows changed to high level Sills and headers replaced with solider courses 	Other Changes <ul style="list-style-type: none"> Deeper eaves introduced Rainwater goods outlets shown Roof shown as split pitch Chimneys removed
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² The side elevations are effectively mirrored versions of one another and consistent between the two pairs of semi-detached dwellings.