

# **John Lyon School Appeals 3275231, 3281359 and 3281360**

**Address; Middle Road , Harrow, HA2 0HN**

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My profession is a Civil Engineer, I have worked in construction for over 50 years and finished up as financial director, and in my "retirement" I acted as a design/development advisor on multi – billion US\$ projects in the UK and overseas.

The main problem with this JLS (John Lyon School) application process has been the concentration on the building and ignoring the LBH (London Borough of Harrow) conservation and Section 106 requirements. The sequence of the planning application should have first been the Conservation and Section 106-requirement for planning approvals, followed by the building approval.

The location of the building should determine the design of the building, not the design of the building determine the location of the building. The residents pointed this out to the parties involved, but the design of this huge building continued on regardless.

**I attach as an appendix my original objection to the construction of Oldfield House for reference.**

**My loss of amenities.**

The affect of this huge building will be to overlook my garden and property and I will have no privacy. In addition a new playground will be created next to my house. Currently I am protected from playground noise by Oldfield House. I will have this protection removed with this new arrangement. The policies DM1 and the application of the 45 degree Code in the Residential SPD, to prevent unobstructed views are ignored. I have always lived on the Hill and this loss of amenity will be sufficient for me to move off the hill.

In winter the effect of this huge building will be to put my home in its shadow all afternoon.

**I attach photos to show the effect on my loss of amenities and the overbearing nature of the new building.**

**It must be borne in mind that the building will be as tall as the protected willow tree on the site.**

**G King 15 Aug 2022**

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References:

15 August 2022

App/M5450/Q/21/3281360 (Discharge of Section 106)

App/M5450/W/21/3275231 (Redevelopment)

App/M5450/Q/21/3281359 (Modification to Section 106)

Review of proposals and loss of amenity- 60 Crown Street, Harrow on the Hill, HA2 0HR, adjoining proposed built site.

**Historical background:** I moved to 60 Crown Street in early 1992 and from the land registry searches was aware at the time that the school had bought the two adjoining residential properties (62 and 64 Crown street) sometime in the 1950s and redeveloped them into the current Oldfield house in the 1980s. The property right next to us (No 62) was bought by the school in 1962 and the reason it impacted on our house was that a deed of transfer on 1962 and a deed of variation dated 1981 gave me right of drainage over the land of 1962.

In our first few years of living in Crown Street we became aware of the school's desire to expand on its facilities with the major re-development on the Middle path site. We were reassured by the council however that this would be the last major expansion of the school and that the school agreed to this by signing a section 106 agreement limiting any future expansion in number and also in the build envelope. We were particularly reassured by the fact that the previous gardens of 62 Crown Street which wrapped around our garden and property were part of the no-build exclusion zone.

We assumed that the school would honour its obligations under this agreement but unfortunately this has not been the case. Over the years the John Lyon has become increasingly aggressive in its disdain for the agreement it signed for a pecuniary advantage, submitting alternating applications on a regular basis to either increase number or increase the build envelope. Their complete disregard for the legal document they signed has culminated in the current application to both do away with their legal obligations but also to ignore every planning constraint, and build on the current playground which had previously been the garden encompassing our property.

**Location of proposed building:** The problems with the scheme originate from the fact the proposed building is located in the wrong place in order to reduce costs to the school. It is built, in the middle of what was Oldfield House garden and is currently the school playground in order to allow the school to continue using the current Oldfield House during the build process and avoid the use of, supposedly expensive, temporary classrooms.

This is particularly problematic for us as the Oldfield House garden wraps round our property. Our problem is compounded by the building being 4 storey's high and incongruous in its scale and massing within this sensitive context, plonked in the middle of the field.

The inappropriate bulk and massing, together with the location of the proposed building fails to preserve the openness of the existing site which informs the character of the conservation area that our house is in. It will also adversely affect our property because of its unique location with the previous number 62 garden wrapping around and enclosing our garden.

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Having a 4 storey building adjacent to our garden will lead to loss of light and overshadowing. It will also cause substantial overlooking/loss of privacy and will detract from our visual amenity. These losses will be aggravated by the loss of mature trees and their associated nature.

Moving the building away from the current build line and into the previous garden area whilst also increasing its volume and capacity will also increase the transmitted noise, light, and general disturbance resulting from its use.

The proposal constitutes, in effect 'back-land development'. This is totally unacceptable in a conservation area and contrary to a number of planning policies irrespective of the section 106 agreement.

The planning policies which would apply to my specific situation include:

### Harrow Core Strategy

#### **Harrow Core Policy CS1**

##### *Local Character*

**B. Proposals that would harm the character of suburban areas and garden development will be resisted.** *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.*

*C. Proposals that would harm identified views or impede access to public viewpoints will be resisted.*

*D. Proposals that would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged*

#### **Harrow Core Policy CS3**

- A. ***Development will be managed to maintain the special character of Harrow on the Hill and its setting.***

Note:

Whilst the Core Strategy states one of its area objectives is to support the, "continued operation of schools within the sub area and their role as education providers, land and building managers, important economic generators and providers of community facilities" (page 48), this should not be at the expense of one of its other primary (no.1 on list) area objectives which is to "Safeguard the special character of Harrow on the Hill and its setting" (page 48).

### Development Management Policies DPD

#### Policy DM 1: Achieving a High Standard of Development

##### **Design and Layout Considerations**

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A. 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.

B. 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;**

### **Privacy and Amenity Considerations**

**C. 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.**

D. The assessment of privacy and amenity considerations will 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);**

### **Residential Design Guide SPD**

**4.67 The size and siting of buildings must avoid unreasonable loss of light to, or overshadowing of, adjoining buildings and spaces. Developments which have an overbearing visual impact, when viewed from within a neighbouring building or its amenity space, and those which leave inadequate outlook from habitable room windows will not be acceptable. The 45 degree code will be used in conjunction with site circumstances to determine the appropriate relationship between buildings and 'protected' windows.**

My concerns at the impact of the proposal, a large 4 storey building, being located in what is currently open space and aligned with my rear and side gardens is acknowledged in the

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Architects Statement but at no point has any assessment been made to look its impact on my amenity and overlooking.

The concerns raised have been completely ignored by the school and their team, no doubt because the significant impact would be made even more apparent if such a study were undertaken. It is more than likely the same reason why a scale model has not be presented of the proposal to explore the relationship of the proposal with the surrounding context.

In the absence of any professional study into my loss of amenity by the school I have put together the enclosed images taken from various images taken both within the house and the garden demonstrating the huge impact the proposal would have on my amenity which should be protected by all the above planning policies.

**Conclusion:** Irrespective of a section 106 agreement the proposal contravenes so many planning regulations it is difficult see why the school (a commercial enterprise) feels it can ride rough-shot over planning regulations which the rest of us have to abide by. The reason for doing so appears to be a combination of economics and convenience.

These are not a planning issue but seem to have been the main driver for designing the wrong building in the wrong location leading to a proposed back-land development. By trying to minimise their short term build costs and maximise their convenience the school will adversely affect our long term amenity and quality of life. They should not be allowed to do so.

Graham King,  
60 Crown Street,  
Harrow-on-the-hill,  
Middlesex,  
HA2 0HR

**G King 15 Aug 2022**



**The effect of moving Oldfield House into the Centre of the open Conservation Area**  
*Residential Design Guide SPD 4.67 - Developments which have an overbearing visual impact, when viewed from within a neighbouring building or its amenity space, and those which leave inadequate outlook from habitable room windows will not be acceptable.*



19.11.19 Bedroom 2 - 45 Deg View before construction



19.11.19 Bedroom 2 - 45 Deg View after construction



**The effect of moving Oldfield House into the Centre of the open Conservation Area**  
**Residential Design Guide SPD 4.67** The size and siting of buildings must avoid unreasonable loss of light to, or **overshadowing** of, adjoining buildings and spaces. Developments which have an overbearing visual impact, when viewed from within a neighbouring building or its amenity space, and those which leave inadequate outlook from habitable room windows will not be acceptable.



19.11.19 Bedroom 2 Side Window before construction



19.11.19 Bedroom 2 Side Window after construction



**The effect of moving Oldfield House into the Centre of the open Conservation Area**  
*Residential Design Guide SPD 4.67 - Developments which have an overbearing visual impact, when viewed from within a neighbouring building or its amenity space, and those which leave inadequate outlook from habitable room windows will not be acceptable.*



19.11.19 Bedroom 3 - 45 Deg View before construction



19.11.19 Bedroom 3 - 45 Deg View after construction

**The effect of moving Oldfield House into the Centre of the Open Conservation Area**  
*Residential Design Guide SPD 4.67 - Developments which have an overbearing visual impact, when viewed from within a neighbouring building or its amenity space, and those which leave inadequate outlook from habitable room windows will not be acceptable.*



19.11.26 Dining Room view before construction



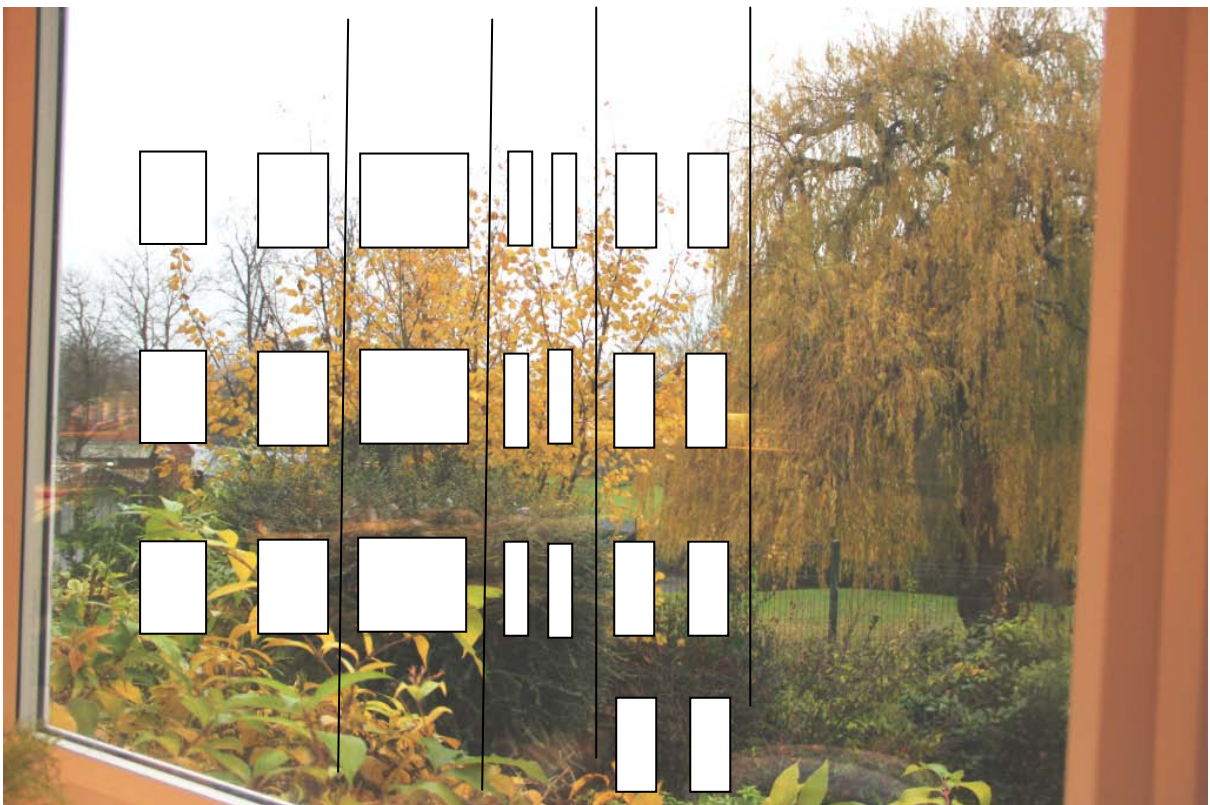
Dining Room view after construction



**The effect of moving Oldfield House into the Centre of the open Conservation Area**  
*Residential Design Guide SPD 4.67 - Developments which have an overbearing visual impact, when viewed from within a neighbouring building or its amenity space, and those which leave inadequate outlook from habitable room windows will not be acceptable.*



19.11.26 Kitchen 45 Deg. view before construction (in winter Lower Rd. Can be seen).



19.11.26 Kitchen 45 Deg. view after construction.

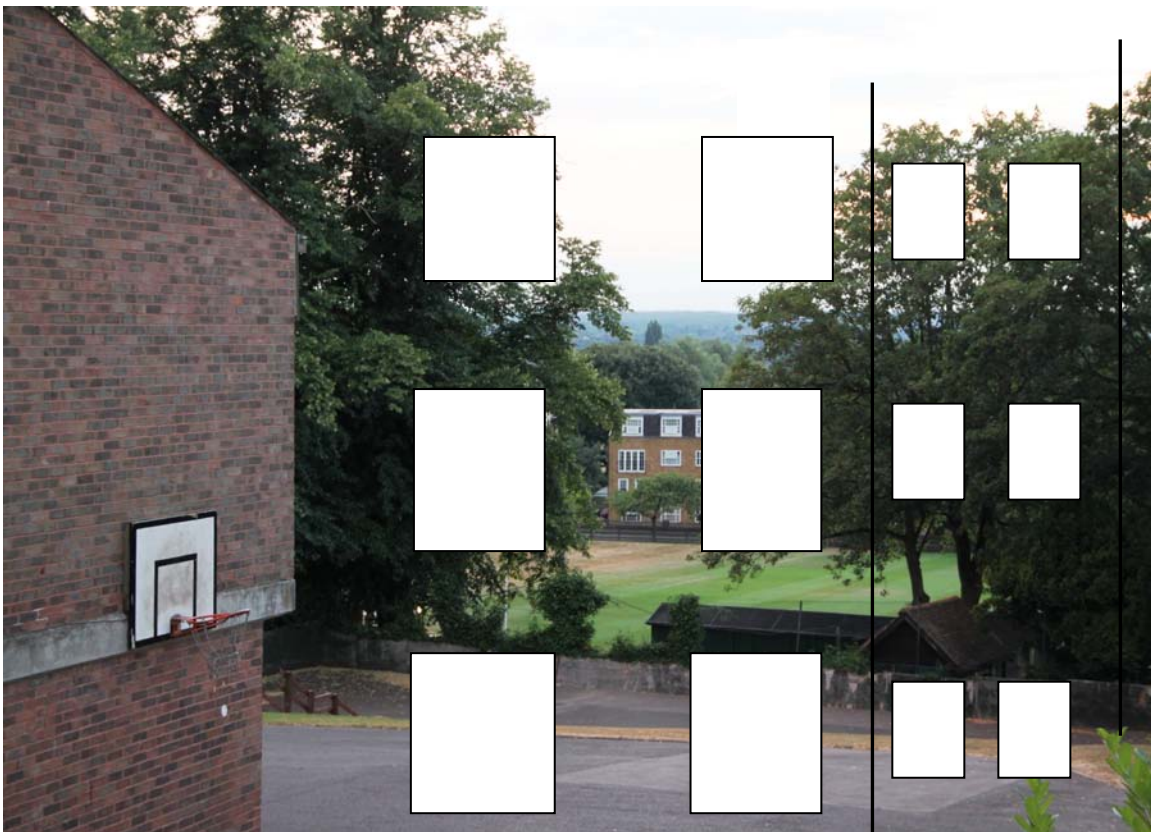


## The effect of moving Oldfield House into the Centre of the open Conservation Area

**Policy DM 1 (C)** - 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 will be resisted. Plus **(D)** the overlooking relationship between windows and outdoor spaces;



Garden BBQ View 18.07.07 – Before construction of Oldfield House



Garden BBQ View 18.07.07 – **After Construction this view is dominated by Oldfield House**



**The effect of moving Oldfield House into the Centre of the open Conservation Area**  
**Policy DM 1 (C)** - 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 will be resisted. Plus **(D)** the overlooking relationship between windows and outdoor spaces;



View 19.09.14 Lower Garden of 60 Crown Street before construction



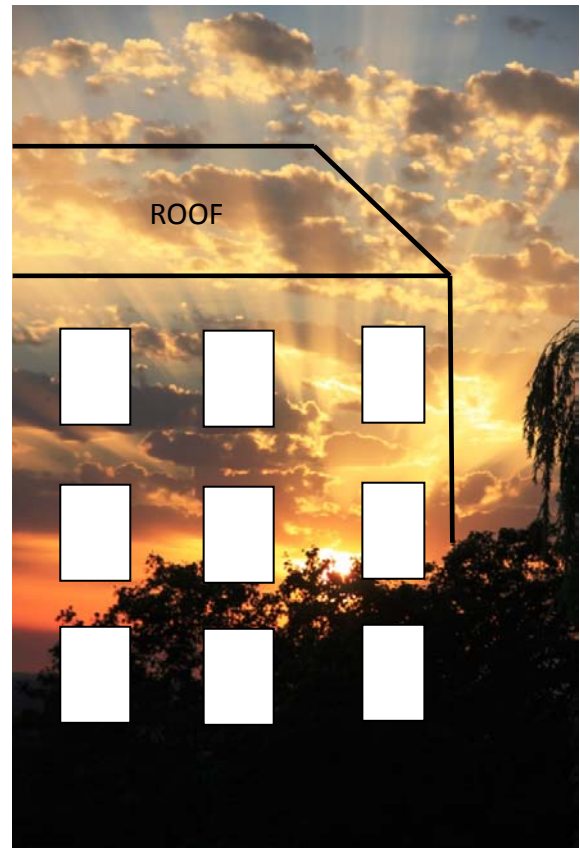
View 19.09.14 **The garden on all levels is totally overlooked by the new Oldfield House**



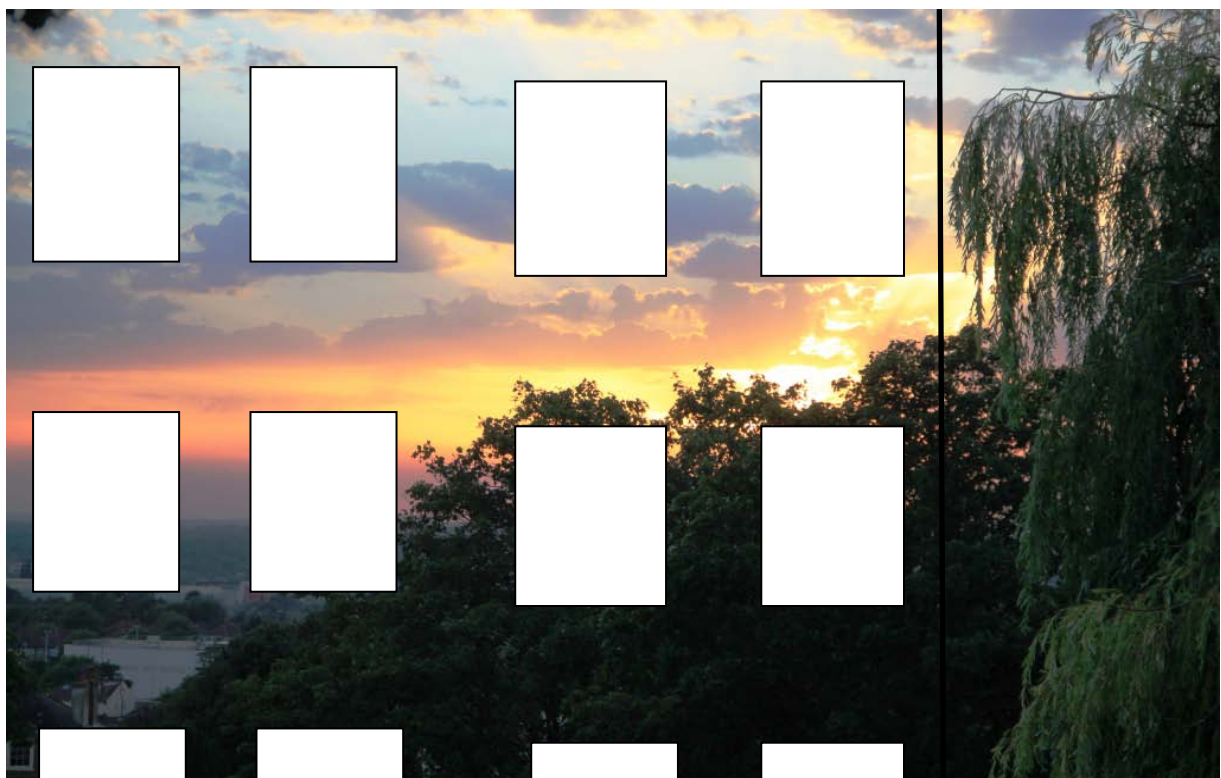
**The effect of moving Oldfield House into the Centre of the open Conservation Area**  
**Residential Design Guide SPD 4.67** The size and siting of buildings must avoid unreasonable loss of light to, or **overshadowing** of, adjoining buildings and spaces. Developments which have an overbearing visual impact, when viewed from within a neighbouring building or its amenity space, and those which leave inadequate outlook from habitable room windows will not be acceptable.



18.0817 Sunset before Construction



18.0817 Sunset after Construction

18.0817 Sunset after construction, **the view will totally be dominated by Oldfield House**



**The effect of moving Oldfield House into the Centre of the Open Conservation Area DM1(B)** - *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; and the local character and pattern of development: (Remark: namely single storey, ribbon development along the road system).*



Crown Street houses from Lower Road 18.01.30 Before Construction



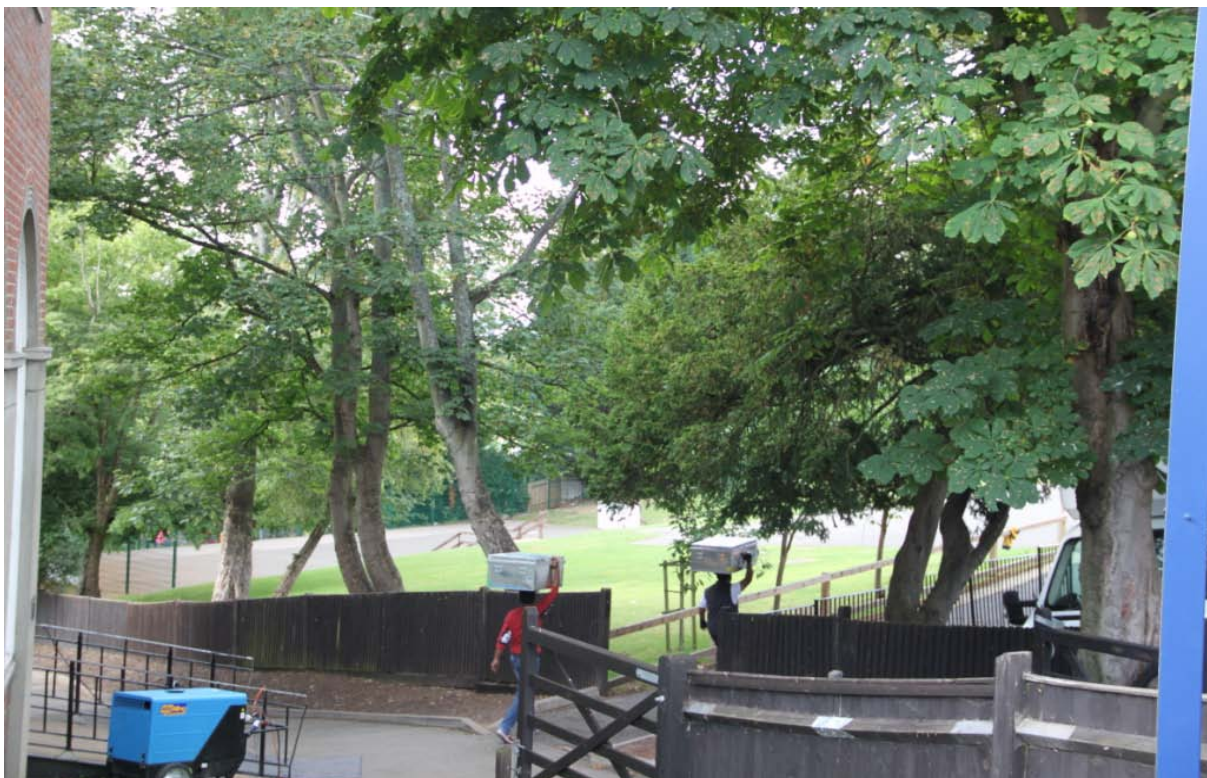
Crown Street houses from Lower Road 18.01.30 After Construction



**The effect of moving Oldfield House into the Centre of the open Conservation Area**  
**Conservation Area Appraisal Document 9:** States Harrow Schools playing fields towards the lower end of West Street (which includes Lower Road )also contribute to the important sense of place by helping to provide uninterrupted views up onto the Hill. It should be noted that many views and vistas into the area are available from surrounding areas.



JLS View from Byron Hill Road – **Note the building is one floor higher than the Willow Tree. The far end of the building should be touching the Willow Tree branches.**



JLS View from Byron Hill Road – Giving vistas of the Hill towards Lower Road. **(Note: The New Building is closer to the pathway post and rail than is shown above)**



**The effect of moving Oldfield House into the Centre of the Open Conservation Area**  
*Conservation Area Appraisal Document 9: States Harrow Schools playing fields towards the lower end of West Street (which includes Lower Road )also contribute to the important sense of place by helping to provide uninterrupted views up onto the Hill. It should be noted that many views and vistas into the area are available from surrounding areas.*



Byron Hill Road from Lower Road 19.07.17 before construction



Byron Hill Road from Lower Road after construction - **Long view into the conservation area is compromised after Construction**

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**APPENDIX: The original objection letter dated 5 June 2019**

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Beverley Kuchar  
Harrow Council  
Planning Services  
Civic Centre  
Station Road  
Harrow HA1 2UY

05 June 2019

Dear Ms. Kuchar

**Re: Objections to John Lyon School Planning Applications P/1813/19**

The original Oldfield house was a well designed building that respected the HoH Conservation area and had little impact on the neighbourhood and the open views of the Hill. Whilst the John Lyon School can be congratulated for creating an open modern IT Area, the new building is in the wrong position and is too large and high for the HoH Conservation Area.

**1-LOCATION:**

In addition the new building is in a no-build zone which was made for a very good reason and protected by a S106 agreement.

It has been designed for the wrong Conservation Area: The building is not in the Roxeth Hill Area it is in the Harrow on the Hill Conservation Area.

The building's position is clearly inconsistent with the build line of Crown Street and the Conservation Area, and therefore impinges on the privacy and outlook of the nearby residences.

I therefore object to the location of the new building.

**2-MASSING**

The design and spatial impact, (size and bulk) is clearly out of character for the Harrow Hill Conservation Area. There is no building in the vicinity of HoH conservation Area that even comes near the height and size of the new building.

It is too tall and so fills in a gap and blocks views to and from the Conservation Area, Area of Special Character and to and from Metropolitan Open Land.

It is too tall and hence impacts on the setting of the opposite listed building (40 Suffolk House). This impact is to a material degree.

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Being set back from the road the building will impact on listed building number 56 Crown Street.

It also entirely blocks the view of the Harrow on the Hill properties from Lower Road which also seriously affects the open aspect of the Hill, and seriously affects the outlook of no 60 Crown Street.

### **3-PUPIL NUMBERS**

Despite the school stating that the building is not to allow for extra pupils, the JLS Application the Design and Access Statement states:

“To enable classrooms capacities that allows the School’s potential **future expansion** to be suitably accommodated”. This would be contrary to the S106 agreement.

### **Construction**

The school appears to have taken no consideration for their pupils both for Health and Safety and Environmental Noise during the construction of the new Oldfield building and demolition of the old Oldfield Building. The buildings are only a few metres apart.

I am shocked that the Protected Willow Tree will be damaged by this following method of working. I understand that the construction materials are to be stored on the grassed area where the Protected Willow Tree is located

I am also shocked that temporary classrooms have not been located on the lower playground and that the original concept of demolishing the old building and constructing the new building on the same location has not been maintained. Materials could then be stored on the asphalt area in front of the existing building and the Willow tree will remain part of the HoH conservation area and ecological balance.

I believe that the JLS proposed construction method will be cheaper for the school in the short term, but in the **long term** it will adversely affect the HoH Conservation Area for the residents that live on the Hill and for the general public.

I confirm my objection to the above Planning application P/1813/19.

Kind regards

Graham King