



Planning Appeal Statement

for John Lyon School

**OLDFIELD HOUSE
MIDDLE ROAD
HARROW, HA2 0HN**

17 May 2021

Our Ref: JAL/21-00175

Contents

	Quality Assurance	1
1	INTRODUCTION	2
2	SITE AND SURROUNDINGS	5
3	PLANNING HISTORY	7
4	PLANNING POLICY AND GUIDANCE	9
5	THE DEVELOPMENT PROPOSALS	20
6	CHRONOLOGY OF THE PLANNING APPLICATION.....	23
7	THE REASON FOR REFUSAL.....	26
8	OTHER MATTERS.....	32
9	PLANNING BENEFITS	34
10	CONCLUSIONS.....	35

Appendices

Appendix 1	Application Site Location Plan
Appendix 2	Appeal Site Plan
Appendix 3	John Lyon School Planning History Schedule
Appendix 4	Local Plan Designations
Appendix 5	Email from JTS Partnership to Local Authority
Appendix 6	Structural Report by Heyne Tillett Steel
Appendix 7	DRP First Response
Appendix 8	DRP Second Response
Appendix 9	Email from Local Authority to JTS Partnership
Appendix 10	Officer Report to January 2020 Committee
Appendix 11	Officer Report to November 2020 Committee and Addendum
Appendix 12	Post-decision Correspondence between the Appellant and Local Objectors

QUALITY ASSURANCE

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2008.

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1 INTRODUCTION

- 1.1 This Planning Appeal Statement (the ‘**Statement**’) has been prepared by Rapleys LLP on behalf of John Lyon School (“JLS”, ‘**the Appellant**’) in response to the refusal of planning permission for the development at Oldfield House, Middle Road, Harrow, HA2 0HN (‘**the Appeal Site**’) by Harrow Council (‘**the LPA**’).
- 1.2 This Appeal relates to a planning application (ref: P/1813/19) seeking full planning permission for the redevelopment of Oldfield House to replace the existing building with a four storey (basement and ground floor, with two storeys above) teaching block, hard and soft landscaping and parking.
- 1.3 The application site boundary, as illustrated on the site location plan at **Appendix 1**, includes most of the main built-up campus of JLS. However, development is only proposed on the Oldfield House site (in red line on the plan at **Appendix 2**), which currently accommodates a two-storey building (Oldfield House), areas of hardstanding (including parking, refuse storage and general outdoor amenity space) and areas of amenity landscaping - this is referred to as the ‘**Appeal Site**’ in this Statement.
- 1.4 This Statement sets out an overview of the appeal statement of case and is submitted in support of an appeal pursuant to Section 78 of the Town and Country Planning Act 1990 (as amended).

DESCRIPTION OF DEVELOPMENT

- 1.5 The description of development, as set out on the Decision Notice confirming refusal of planning permission (the ‘**Refusal Notice**’), reflects the proposal as it was originally submitted to the Local Authority in April 2019, specifically:
- “Redevelopment to provide four storey teaching block with basement; hard and soft landscaping; parking (demolition of existing building).”*
- 1.6 However, it should be noted that, as a result of feedback received from the LPA (reviewed in further detail later on in this report), the development proposals were amended in October 2019, and the proposed basement was removed.

REASONS FOR REFUSAL

- 1.7 There is one reason for refusal listed on the Decision Notice, dated 24th November 2020, as follows:
- “The proposal, by reason of excessive scale and inappropriate siting, would do harm to the local character of the area and would not preserve or enhance the character and appearance of the Conservation Area, contrary to Policies DM1, DM6, DM7 and DM46 of the local plan, CS18, CS10 and CS3A of the Core Strategy and 7.4, 7.6 and 7.8 of the London Plan (2016) and D1, D2 and HC1 of the Draft London Plan (2019).”*

GROUND OF APPEAL

- 1.8 The grounds of appeal can be summarised as:
1. The proposal is not of an excessive scale, and its siting is appropriate;
 2. It will not harm the local character of the area;
 3. It will not only preserve the character and appearance of the Conservation Area, but also will enhance it;
 4. Even if the above was not the case, and harm was found, this would clearly be outweighed by the benefits of the proposal;

5. There are no other development management issues which would tell against granting planning permission for the proposal; and
6. The proposal complies, in its entirety, with the Development Plan and national planning policy.

1.9 On that basis, the appeal should be allowed and planning permission be granted.

STRUCTURE OF STATEMENT

1.10 This Statement addresses the following matters:

- The site and its surroundings;
- The planning history of the Appeal Site, and JLS more widely;
- Planning Policy;
- The development proposals;
- The chronology of the planning application;
- Planning considerations;
- Other relevant matters; and
- Planning benefits.

1.11 In these terms, this Statement provides a framework of the Appellant's Appeal Case, supported by a number of other specialist documents, as listed below:

- An Education Rationale Statement, by JLS;
- An Architectural Statement by CLTH Architects;
- A Heritage Statement by Conservation Planning;
- Townscape and Visual Appraisal by Neaves Urbanism;
- A Structural Report by Tom Steele (attached at Appendix 6 of this document), and
- An Arboricultural Impact Assessment by Euro Arbol.

1.12 This Statement, and the statements listed above, collectively confirm that the Appeal should be allowed and planning permission be granted for the appeal proposals.

PROCEDURAL MATTERS

1.13 The Appellant requests that this appeal be dealt with through the hearing procedure.

1.14 It should be recognised that the planning application, subject to this appeal, was refused against officers' recommendation that planning permission be granted. The LPA has to date produced no evidence substantiating the matters raised in the reason for refusal. In this context, the Appellant reserves the right to respond, in detail, to any evidence provided in the LPA's Statement of Case.

1.15 In addition, it should be noted that the Appellant, on 10 May 2021, submitted in parallel:

- an application under s.106A of the Town and Country Planning Act (as amended) to discharge the planning obligations relating to planning permission WEST/695/94/FUL, dated 23 June 1995 ("the Principal Agreement") and as subsequently amended, and

- an application under s.73 of the Town and Country Planning Act (as amended) to impose a new condition relating to the maximum school roll number onto planning permission reference: P/2160/10.

1.16 If these applications remain undetermined by the local authority after 8 weeks following submission, it is the Appellant's intention to appeal against non-determination of these applications and request to PINS that these appeals should be conjoined with the appeal relative to the Oldfield House redevelopment proposals (ie this appeal), and considered in parallel.

2 SITE AND SURROUNDINGS

- 2.1 This section provides a description of the Appeal Site and its surroundings. It should be read in conjunction with the description of site and surroundings provided within the application submission documents, and the other specialist studies attached to this appeal.
- 2.2 As intimated in the previous section, the Site Location Plan (**Appendix 1**) indicates two land parcels within the “Red Line”. The eastern land parcel is Oldfield House and its immediate surroundings, which are referred to as the Appeal Site in this document, as the proposed development is restricted to this land parcel.
- 2.3 The western land parcel accommodates the main school building, the original school building and other buildings, north of Middle Road. Part of this land parcel, furthest away from the Oldfield House parcel, lies in Metropolitan Open Land (MOL). No development is proposed within this land parcel, and as such it is included within the “surroundings” section of this Statement.
- 2.4 In addition, also illustrated on the Site Location Plan is “Blue Line” parcel accommodating the Red House and other school buildings on the southern side of Middle Road.

THE APPEAL SITE

- 2.5 The Appeal Site is located on the lower western slope of the Harrow Hill. In topographical terms, it is relatively steep, sloping from east to west, with the north-western boundary of the Appeal Site lying very close to the bottom of the hill.
- 2.6 Although the Appeal Site is less developed than other parts of the school campus, it is functionally and visually part of the school, and is clearly distinct from the residential properties adjoining it.
- 2.7 The Appeal Site currently accommodates:
- A two-storey, classroom building, known as Oldfield House;
 - Areas of hardstanding, including a car and minibus parking area, a refuse area, access routes, outdoor teaching/amenity space, as well as a games/play area at the north-western part of the Appeal Site, and
 - Maintained grassland/landscaping and areas of trees both within and around the Appeal Site boundaries.
- 2.8 This Appeal Site lies within Harrow on the Hill Village Conservation Area (the Village Conservation Area), and adjacent to the boundary with the Roxeth Hill Conservation Area (to the south-west). Oldfield House itself is an unremarkable building, functional in design and assessed by the LPA as making a neutral contribution to the Conservation Area within which it sits.
- 2.9 Due to the topography and a high brick wall on the south-eastern boundary, in the closest public views of the building from Crown Street, only the building’s large, pitched roof is visible. In lower views from Middle Road, at the site’s vehicular access, the building reads as a two-storey, brick gable end with little to no articulation or decoration.
- 2.10 Vehicular and pedestrian access to the site is from Middle Road, via a shared access with the JLS main building to the south-west.
- 2.11 Although the Appeal Site’s location within a Conservation Area provides a level of protection to trees on the site, it is also subject to somewhat historic tree preservation orders, collectively given the number 217. Specifically, there are three groups and three individual trees which are identified as being protected. However, as demonstrated within the

Townscape and Visual Appraisal and AIA submitted as part of this appeal, many of the trees that were subject to these TPOs are no longer in existence.

SURROUNDINGS

- 2.12 The Appeal Site is part of the wider JLS campus, which adjoins it on its southern, eastern and northern boundaries. Land to the west is predominantly residential, however, the educational character of this area spreads across Harrow Hill generally, due the presence of Harrow School to the east.
- 2.13 In terms of development immediately adjoining the Appeal Site:
- To the south-west of the Appeal Site is the main building of JLS, a substantial building, two to four storeys in height (depending on topography);
 - To the west of the Appeal Site is the school pavilion, with the Harrow School playing fields to the north of this, and to the north-west of the Appeal Site;
 - To the north of the Appeal Site is the four storey Field House Building;
 - To the north-east and east of the Appeal Site are residential dwellings and their gardens, which face Crown Street and Byron Hill Road, and
 - To the south of the Appeal Site is the Red House, which is part of the school estate.
- 2.14 As previously confirmed, the Appeal Site lies adjacent to the boundary of two Conservation Areas, and in general terms, land to the north, east and south is within the Harrow on the Hill Village Conservation area, whereas land to the west lies in the Roxeth Hill Conservation Area. However, in physical and land use terms, there is no clear distinction between the two Conservation Areas. Rather, given land use and building form, Oldfield House is more consistent with the rest of the school buildings to the north of Middle Road, lying in Roxeth Hill Conservation Area, rather than the residential, terraced buildings which are the characteristic of the Harrow on the Hill Village Conservation Area.
- 2.15 In addition, a number of the buildings surrounding the Appeal Site are statutorily or locally listed, including the following which are immediately surrounding the Appeal site:
- The Red House and its front boundary wall (Grade II);
 - Byron House and 29 Byron Hill Road (Grade II);
 - 56 Crown Street (Grade II);
 - John Lyon School (modern building), Middle Road (Local);
 - Pair of stone gate pillars on the boundary between the Appeal Site and Middle Road Crown Street (Local), which were the entrance gates to the original Old Field House (Local);
 - School Sports Pavilion (Local); and
 - Field House Club (Local).
- 2.16 Fuller details of these buildings (and heritage assets generally) are reviewed in the Heritage Statement and Townscape and Visual Appraisal submitted in support of this appeal. Properties to the east, on Crown Street, are covered by an Article 4 Direction restricting permitted development.

3 PLANNING HISTORY

PLANNING APPLICATIONS

- 3.1 Apart from the refused application subject to this appeal, there are no records on the LPA's online register of any applications relative to the appeal site.
- 3.2 A schedule of available planning history relative to JLS more broadly, covering planning applications from the mid-1990s onwards, is at **Appendix 3**. This confirms that the school has grown incrementally, with significant development being granted planning permission in:
- **26 June 1995** - planning permission was granted for a part single, two, three and four storey building to provide a sports hall, a swimming pool, a library and ancillary areas, and alterations to external buildings and parking (reference: WEST/695/94/FUL);
 - **16 October 2007** - planning permission was granted for a three storey side/rear extension to provide additional classrooms to the main school building, with a deed of variation agreed in association with this (reference: P/3420/06), and
 - **2 March 2011** - planning permission was granted for a two storey extension to existing main building to provide catering facilities and dining room, alterations to existing old building to form a new sixth form centre and associated landscaping (reference: P/2160/10).

THE JOHN LYON SCHOOL S.106 AGREEMENT

- 3.3 The school is subject to a s.106 agreement, which was attached to the 1995 permission but affects the entire school estate. The agreement has been varied three times, in 2006, 2007 and 2011.
- 3.4 In light of the effect of the deeds of variation, the obligations imposed on JLS are:
- **Clause 1** - development cannot take place outside the building envelope shown edged red on drawing No. 977/31/B, save that future development may be granted planning permission in the areas edged blue on the drawing upon application being made to the Council, albeit this clause does not prevent the development granted planning permission by planning application references P/3420/06 and P/2160/10 from taking place (and these permissions have been implemented).
 - **Clause 2** - imposing a limit on the School roll of 600 pupils.
 - **Clause 3** - restricting the use of development granted permission in 1995 to defined "Permitted Recreational Uses".
 - **Clauses 4 and 5** - the submission and implementation of agreed landscaping proposals, which have been discharged.
- 3.5 Of particular relevance to this appeal is Clause 1, as the appeal proposals lie outside the building envelope imposed by the s.106 agreement, as amended. In this context, regardless of the planning merits of the appeal proposals, they are not capable of implementation unless the s.106 agreement is amended. An application was submitted to the local authority in May 2019 to amend the agreement to allow for the appeal proposals (reference: P/2504/19).
- 3.6 The LPA undertook a consultation exercise in relation to the application and, from review of the LPA's public records:
- Responses were received from 9 addresses supporting the application on the basis of the educational benefits of the Oldfield House redevelopment proposals;
 - Responses were received from 10 addresses objecting to the application (in some cases more than once), Harrow on the Hill Trust, and Gareth Thomas MP on the basis of the perceived visual appearance and impact on the Conservation Area as a result of the Oldfield House redevelopment proposals;

- A petition was organised by the occupants of 56 Crown Street, objecting to the proposals on the basis of a perceived visual impact, although it should be noted that the visuals prepared in support of this petition were not accurate, and in any event did not reflect the amendments to the proposal as a result of the proposed reduction in height of the building in October 2019 (see Section 6 of this Statement), and
- No objections were lodged from any statutory or LPA internal consultees.

3.7 No decision has yet been made relative to this application, despite attempted engagement with the LPA by the Appellant and its representatives.

3.8 In addition, and as previously confirmed, applications were submitted under s106A and s.73 of the Town and Country Planning Act 1990 (as amended) on 10 May 2021. If the LPA has not determined these applications within 8 weeks of submission, appeals will be made against non-determination, and the Appellant will seek to conjoin them with the appeal subject to this Statement.

4 PLANNING POLICY AND GUIDANCE

4.1 Planning decisions should be made in accordance with adopted national and local planning policies. As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting position for any decision is the Development Plan, unless material considerations indicate otherwise. In the context of this appeal, the Development Plan comprises:

- The London Plan (March 2021);
- The Harrow Core Strategy (2012); and
- The Harrow Development Management Policies (2013).

4.2 As with any development, a wide range of Development Plan policies are relevant to the appeal proposal. These policies were reviewed in the Planning Statement submitted as part of the original application. In this context, this section focusses on the policies particularly relevant to this appeal, specifically:

- The principle of the development, and the support given by planning policy to the improvement of educational facilities, and
- The policies referred to by the LPA Decision Notice, particularly those cited in the reason for refusal.

4.3 At the time of the issue of the Decision Notice, the current London Plan had not yet been adopted, albeit emerging policies within the draft London Plan were referred to in the Decision Notice. Correspondingly, the then adopted London Plan policies referred to in the Decision Notice have now been superseded. However, for completeness, both the policies in the superseded and current London Plan are reviewed in this section.

4.4 In terms of the material considerations, the National Planning Policy Framework (NPPF 2019) is also reviewed in this section (and in the first instance), as is relevant local authority guidance and evidence base later in this section.

4.5 At the time of the application's determination, and at the submission of this appeal, the LPA had not published any emerging policies to replace those in its current Development Plan documents. However, it is understood that draft Local Plan documents are in preparation, and the right is reserved to comment on any policies released for consultation, as appropriate.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF 2019)

4.6 The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. In this context, the NPPF is a material consideration in planning decisions. The NPPF is not referred to in the reason for refusal, but is indicated in Informative 1 as being relevant to the decision. As such it is taken that the LPA does not consider the appeal proposals to be in conflict with the NPPF. Nevertheless, the sections of the NPPF particularly relevant to this appeal are reviewed below.

4.7 The purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). In achieving sustainable development, three overarching objectives are identified, which are interdependent and need to be pursued in mutually supportive ways. These objectives are:

- An economic objective - to help build a strong, responsive and competitive economy;
- A social objective - to support strong, vibrant and healthy communities, and
- An environmental objective - to contribute to protecting and enhancing our natural built and historic environment (Paragraph 8).

- 4.8 There is a presumption in favour of sustainable development at the heart of the NPPF (Paragraph 10). For decision-taking, the presumption means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstratively outweigh the benefits, when assessed against the policies within the NPPF taken as a whole (Paragraph 11).
- 4.9 Designated Heritage Assets, which include Conservation Areas, are expressly identified as “areas or assets of particular importance” (Footnote 6).
- 4.10 Local planning authorities should approach decisions on proposed development in a positive and creative way. Further, decision makers at every level should seek to approve applications for sustainable development where possible (Paragraph 38).
- 4.11 Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties, and good quality pre-application discussion enables better coordination between public and private resources and improved outcomes to the community (Paragraph 39).
- 4.12 To provide for the social, recreational and cultural facilities and services the community needs, planning policies and decision should, inter alia:
- a) Plan positively for the provision of use of shared and other local services to enhance the sustainability of communities and residential environment. (Paragraph 92)
- 4.13 It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:
- a) Give weight to the need to create, expand or alter schools during the preparation of plans and decisions on applications; and
 - b) Work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before planning applications are submitted (Paragraph 94).
- 4.14 Planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions (Paragraph 117).
- 4.15 The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested is essential for achieving this (Paragraph 124).
- 4.16 Planning policies and decisions should ensure that developments, inter alia:

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- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change;
 - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit;
 - e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport network; and
 - f) Create places that are safe, inclusive and accessible, and which promote health and wellbeing and a high standard of amenity for existing and future users (Paragraph 127).
- 4.17 Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the Local Planning Authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early proactive and effective engagement with the community should be looked on more favourably than those that cannot (Paragraph 128)
- 4.18 Heritage assets range from sites and buildings of local historic value to those of the higher significance (Paragraph 184).
- 4.19 In determining applications, Local Planning Authorities should require an applicant to describe the significance of any Heritage Assets affected, including any contribution made by their setting. The level of detail should be proportionate to their assets, importance and no more than is sufficient to understand the potential impact of a proposal or its significance (Paragraph 189).
- 4.20 In determining applications, Local Planning Authorities should take into account:
- a) The desirability of sustaining and enhancing the significance of Heritage Assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution the conservation of Heritage Assets can make to sustainable communities, including their economic vitality; and
 - c) The desirability of new development making a contribution to local character and distinctiveness (Paragraph 192).
- 4.21 Any harm to, or loss of the significance of a designated heritage asset from its alteration or destruction, or from development within its setting, should require clear and convincing justification (Paragraph 194).
- 4.22 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 196).

- 4.23 Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of Heritage Assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (Paragraph 200).
- 4.24 Not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under Paragraph 195 or less than substantial harm under Paragraph 196, as appropriate, taking into account the relative significance of the elements affected and its contribution to the significance of the Conservation Area (Paragraph 201).

THE LONDON PLAN

- 4.25 As previously confirmed, since the planning application was refused in November 2020, the London Plan has been adopted in March 2021. However, when the planning application was refused, the 2016 London Plan was part of the Development Plan was still in force and as such policies from this document were included on the Decision Notice. In this context, the following section considers the 2021 version in detail (as this is the document that the Inspector will need to pay regard to whilst considering the appeal), but for completeness also reviews the superseded 2016 policies referred to in the reason for refusal.

London Plan 2021 - Education

- 4.26 The 2021 London Plan provides strong support for the education and the provision/improvement of educational facilities. Not least, it confirms that “every decision to build or expand a school improves the prospects of the next generation of Londoners” (Paragraph 1.0.2).
- 4.27 Schools are identified as “social infrastructure”, and Policy S1 confirms that Development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported (Section C), and confirms that social infrastructure should only be lost in exceptional circumstances (Section F).
- 4.28 Social infrastructure, including schools, are recognised as meeting local and strategic needs, as well as contributing towards a good quality of life (Paragraph 5.1.1). It also plays an important role in developing strong and inclusive communities. It can provide opportunities to bring different groups of people together, contributing to social integration and the desirability of a place (Paragraph 5.1.2).
- 4.29 Policy S3 sets a range of criteria for educational and childcare facilities, albeit these are primarily relevant to new facilities rather than the refurbishment/improvement of existing ones, but is generally supportive of educational facilities, and seeks to prevent their loss.
- 4.30 Also relevant are the supporting paragraphs to this policy, which amongst other matters confirm that access to high quality education and training has a profound effect on people’s life chances and is one of the most powerful ways to break down inequalities and improve social mobility, and good quality education and training are vital for supporting people into sustainable employment, which is also essential to London’s continued economic success (Paragraph 5.3.1). Further, it is confirmed that there is a growing need for school places in London (Paragraph 5.3.5), and the design of education and childcare facilities is critical to the creation of a good learning environment (Paragraph 5.3.10)
- 4.31 In this context, the London Plan clearly recognises the planning benefits of educational development and encourages it.

London Plan 2021 - Policies referred to in the decision notice

- 4.32 The Decision Notice, in the reason for refusal, sites three London Plan policies, specifically policies D1, D2 and HC1. These policies are addressed below:
- 4.33 **Policy D1:** This policy concerns London's form, character and capacity for growth. It confirms that Boroughs should undertake area assessments to define the characteristics, qualities and values of different places within the plan area, to develop an understanding with different areas capacity for growth.
- 4.34 In addition, it provides guidance to how local authorities should plan for growth within their development plans. In this context, the policy is not relevant to the development proposal, as it does not make reference to decision making. Correspondingly, the appeal proposals cannot be in conflict with this policy.
- 4.35 **Policy D4:** This policy is referred to as D2 on the Decision Notice, reflecting the reference on the July 2019 consolidated changes version of the then draft London Plan, produced following the Examination in Public between January and May 2019. This policy seeks to ensure that good design is delivered through, inter alia design scrutiny and the maintenance of design quality.
- 4.36 For decision making this includes confirmation that the design and development proposal to be thoroughly scrutinised by Borough Planning, Urban Design and Conservation Officers. In addition, applicants should make use of the design review process to assess and reform design options early in the planning process.
- 4.37 **Policy HC1:** This policy relates to Heritage Conservation and growth and confirms that development proposals affecting Heritage Assets and their settings, should conserve their significance, by being sympathetic to the assets significance and appreciation within their surroundings.
- 4.38 **In summary**, the policies within the 2021 London Plan, as cited in the Decision Notice, are either not relevant to the appeal proposals or seek to permit development, subject to it being well-designed and sensitive to its surroundings.

London Plan consolidated up to March 2016

- 4.39 Three superseded policies are referenced within the reason for refusal, policies 7.4, 7.6 and 7.8. For completeness, these policies are reviewed below:
- 4.40 **Policy 7.4:** In terms of planning decisions, this policy indicates that buildings should provide a high quality design response which, inter alia, has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, and is informed by its surroundings and environment.
- 4.41 **Policy 7.6:** This policy confirms that buildings should, inter alia:
- Be of the highest architectural quality;
 - Comprise details and materials that complement, not necessarily replicate, local architectural character;
 - Not cause unacceptable harm to the amenities surrounding land and buildings;
 - Provide high quality indoor and outdoor spaces that integrate well with the surrounding streets and spaces; and
 - Optimise the potential of sites.

4.42 **Policy 7.8:** This policy confirms that development should identify, value, conserve, restore, re-use and incorporate Heritage Assets where appropriate. Further, development affecting Heritage Assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

4.43 **In summary**, the policies within the now superseded London Plan cited within the reasons for refusal do not prevent development in principle. Rather, they are permissive of development which makes the best use of land, is properly considered, of high quality and is respectful of its planning context.

THE DEVELOPMENT PLAN AT BOROUGH LEVEL

4.44 As previously confirmed, at Borough-level the Development Plan includes:

- The Harrow Core Strategy (2012);
- The Harrow Development Management Policies (2013).

4.45 In addition to the above documents, the Development Plan also includes a Site Allocations DPD (2013) and the Harrow and Wealdstone Area Action Plan (2013). However, there are no site allocations identified on or close to the Appeal Site, and the Appeal Site lies well outside the scope of the AAP. As such, these documents are not relevant to this appeal.

Policy Allocations/Designations

4.46 As confirmed above the Appeal Site is not allocated, within the Development Plan, for a particular land use or development. Plans illustrating the location of the Development Plan designations affecting the site and its surroundings are attached at **Appendix 4**. However, in summary, the site lies within the following:

- Harrow on the Hill Village Conservation Area;
- The Harrow on the Hill Area of Special Character, and
- An archaeological priority area.

4.47 In addition, as set out in Section 2 of this Statement, there are a number of historic tree preservation orders affecting the site, collectively provided with the TPO number 217.

4.48 Surrounding the Appeal Site:

- The playing fields to the northwest lie within Metropolitan Open Land (MOL), albeit no part of the Appeal Site itself lies within MOL.
- The south-west boundary of the site broadly coincides with the edge of the Harrow on the Hill Village Conservation Area, and the Roxeth Hill Conservation Area beyond (although as detailed elsewhere in this appeal, the boundary is not apparent “on the ground”, and
- Although not strictly a policy matter, it should be noted that the largely residential part of the Village Conservation Area to the north-east is subject to an Article 4 Direction (although not the site itself).

Harrow Core Strategy (February 2012)

4.49 The Harrow Core Strategy was adopted in 2012, and sets the local authorities overarching and strategic Development Plan policies.

4.50 **John Lyon School and educational facilities:** The Core Strategy is supportive of educational facilities, including at JLS, the planning benefits they bring. As the opening sentence in the Borough Portrait, it is confirmed that Harrow is internationally known for its excellent

schools. Elsewhere in the Borough Portrait it is confirmed that education is strongly represented in Harrow's economy, albeit that contraction is expected.

- 4.51 In Section 3, JLS is identified as a notable institution and major employer, and as contributing significantly to Harrow's reputation as a place for learning. JLS is also identified as being one of the three schools within the Harrow on the Hill and Sudbury Hill Policy Sub Area. Objective 4 of this area is to support the continued operation of the schools within the Sub Area and their role as education providers, land and building managers, important economic generators and providers of community facilities. At Paragraph 6.1, it is confirmed that Harrow Hill is not expected to accommodate further development, other than that which might be required to maintain active use of its historic buildings and to support the continued operation of Harrow School and JLS.
- 4.52 The benefits of community access to the sports facilities at JLS is highlighted at Paragraph 6.9, and the retention of JLS in the Borough is identified as CS3 Objective 4 (Indicator ICI6).
- 4.53 More generally in terms of education, schools are identified as "Community Facilities", and overarching policy objective 5 seeks to enhance residents' access to such facilities. The maintenance of educational facilities is identified as one of a range of improvements required to maintain the competitiveness of town centres, retain local employment and the attractiveness of residential areas.
- 4.54 A Core Strategy objective is ensuring that growth is matched by enhancements to social and physical infrastructure, including education, health care, recreation and cultural facilities, and the provision of additional secondary school capacity is identified as CS1 Strategic Objective 5 (Indicator ICI5).
- 4.55 **Policies cited in the reason for refusal:** The reason for refusal indicates that the appeal proposals are contrary to three policies within the Core Strategy, CS18, CS10 and CS3A. However, the Core Strategy does not include a Policy CS18, and Policy C10 is a policy specific to Kenton and Belmont, a part of the borough some distance away from the appeal site, to the northeast. This error was brought to the LPA's attention on 26 November 2020 by JTS Partnership (e-mail attached at **Appendix 5**), but no response was forthcoming. In this context, reference to Policies CS18 and CS10 can only be ignored (but the right to comment further on Core Strategy Policies is reserved, pending receipt of the local authority's statement of case).
- 4.56 The only applicable Core Strategy policy referenced in the Decision Notice, Policy CS3a, confirms development will be managed to maintain the special character of Harrow on the Hill and its setting. Sensitive uses and alterations which secure investment and safeguard the future of statutory and locally listed buildings will be supported. The character or appearance of Harrow Hill's Conservation Areas will be preserved or enhanced in accordance with the management strategies of the area. The Development Management Policy will set out criteria for the assessment of impact on other Heritage Assets.
- 4.57 In summary, it must be recognised that part of Policy CS3 cited within the Decision Notice is general in nature, unlike the other parts of the policy which refer to specific initiatives. Further, the policy cited does not seek to prevent development from taking place in locations such as the Appeal Site. Rather, it encourages development which is carefully considered and respectful of the site and its setting.
- 4.58 **Other policies** are cited within the informative on the Decision Notice, albeit not in the reason for refusal (and as such, the LPA evidently considers that there is no conflict with them), specifically:

- 4.59 **Policy CS1K:** this policy refers to residential development and it is not clear why it is referenced in the informative. However, clearly the development cannot offend this policy if it is not relevant to the development proposals.
- 4.60 **Policy CS1T:** future, more detailed policies will establish requirements for sustainable design and construction techniques that maximise the energy efficiency of new buildings, and other sustainability measures and initiatives.
- 4.61 **Policy CS1W:** the LPA will set out requirements for sustainable urban drainage, rainwater harvesting, flood risk assessments and surplus water management.
- 4.62 **In summary**, the Core Strategy recognises the importance of education to the Borough, encourages the improvement and expansion of educational facilities, and clearly anticipates further development at JLS to support its ongoing operation. The policies cited as being offended by the appeal proposals either do not exist, are not relevant, or support sensitively designed development proposals. In this context, the Core Strategy embraces the proposal in principle, subject to the details of any proposal.

Harrow Development Management Policies DPD (July 2013)

- 4.63 The Harrow Development Policies DPD was adopted in 2013, and sets out a range of policies addressing detailed development management issues, building on the strategic objectives and policies within the Core Strategy.
- 4.64 **Educational facilities:** it is recognised that refurbishment of community facilities, including schools and their facilities can help meet modern expectations of the quality of provision and identifies residents' needs for such facilities (Paragraph 10.3). Further, Policy DM 47 confirms that proposals for the redevelopment of community or educational facilities that secure enhanced re-provision on the site will be supported.
- 4.65 In terms of economic matters, it is recognised at Paragraph 7.4 that the education sector is one of the important drivers of employment growth in the Borough.
- 4.66 **Policies cited in the reason for refusal:** four policies are cited within the reason for refusal, DM1, DM6, DM7 and DM46. These are reviewed below:
- 4.67 **Policy DM1:** This policy is wide ranging, addressing a broad scope of considerations that are identified as being relevant to achieving a high standard of development, to be assessed against a range of criteria.
- 4.68 In the interests of achieving a high standard of design and layout, the following matters are relevant:
- The massing bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers;
 - The appearance of proposed buildings;
 - The context provided by neighbouring buildings and the local character and pattern of development;
 - Provision of appropriate space around buildings and landscaping;
 - The need to retain or enhance existing landscape, trees, biodiversity, or other natural features of merit;
 - The functionality of the development including, but not limited to the convenience and safety of internal circulation, parking and servicing; and

- The arrangement for safe, sustainable and inclusive access and movement to and within the site.
- 4.69 In terms of privacy and amenity considerations, in the interest of achieving a high standard of privacy and amenity, consideration will be given to a range of identified matters.
- 4.70 Finally, this policy confirms that development which would prejudice the future development of parts of a site, adjoining land, or which would frustrate the delivery of adopted plans and allocated sites, will be resisted.
- 4.71 **Policy DM6:** Proposals affecting areas of special character will be considered having regards to:
- The impact of the proposal on the strategic value of the area of special character;
 - The desirability of preserving or enhancing the environmental, architectural, historic and landscape features that contribute to the area of special character; and
 - The protective views to and from areas of special character.
- 4.72 In addition, proposals that would realise sustainable opportunities for the increased appreciation of, or public access to, areas of special character would be supported. Conversely, proposals that would substantially harm an area of special character, or its setting, will be refused.
- 4.73 In terms of the Harrow on the Hill Area of Special Character, supporting Paragraph 2.38 identifies the strategic value of the Harrow on the Hill area of special character is the prominence that the Hill provides to the historic hilltop settlement, particularly St. Mary's Church and historic Harrow School buildings, and the setting created by the major open areas, including the cumulative contribution of groups and individual trees. This paragraph also states that the boundaries of the Harrow on the Hill area of special character take in playing fields and other spaces which form MOL around the hilltop settlement.
- 4.74 In addition, supporting Paragraph 2.40 indicates that Harrow on the Hill contains the Borough's highest concentration of listed and locally listed buildings, and much of its built environment also benefits from conservation area designation. Further, it identifies that the architectural quality of development atop the Hill, particularly that associated with Harrow School and which features in views of the Hill from surrounding vantage points, contributes significantly to the area's special character.
- 4.75 **Policy DM7:** When assessing proposals affecting Heritage Assets, including non-designated Heritage Assets, priority over other policies in the DPD would be afforded to the conservation of the assets affected and their setting as appropriate to the significance of the assets. Proposals that secure the preservation, conservation or enhancement of the Heritage Assets or its setting, or which secure opportunities for its sustainable enjoyment of its historic environment, will be approved.
- 4.76 The impact of proposals affecting Heritage Assets will be assessed having regard to, inter alia:
- Emerging or adopted supplementary planning documents, including character appraisals;
 - Relevant issues of design, including appearance and character;
 - Preference to be afforded to proposals which both conserve and sustain Heritage Assets and their setting;
 - A sustainable economic benefit;

- The need to mitigate climate change and ensure that Heritage Assets are resilient to the effects of climate change; and
 - The desirability of increasing understanding and the interpretation of Heritage Assets.
- 4.77 In terms of Conservation Areas, the Council will:
- Support the redevelopment of sites which detract from the character or appearance of the Conservation Area, and exploit opportunities to restore lost features or introduce new ones which would enhance the appearance of the Conservation Area.
- 4.78 In terms of Listed buildings, and proposals affecting their setting, the Council will:
- Pay special attention to the building’s character and any features of architectural historic interest which it possesses; and
 - Explore all opportunities to secure the future of Listed buildings, particularly those on the “Heritage at Risk” register.
- 4.79 **Policy DM46:** Proposals for the refurbishment and re-use of existing premises for community, sport and educational facilities will be supported. Further, proposals for the provision new community, sport and educational facilities will be supported where:
- They are located within the community that they are intended to serve;
 - They are safe and located in an area of good public transport or accessibility or in town centres; and
 - There will be no impact on residential amenity or highway safety.
- 4.80 New education and indoor sport development should make provision for community access to the facilities provided.
- 4.81 In summary, development management policies are supportive of the improvements to educational facilities in principle, recognising the planning benefits they bring. Further, in terms of the policies cited within the reason for refusal, three of these policies (DM1, DM6 and DM7) are general development management policies which do not seek to restrict development in principle. Rather they seek to ensure that all new development, particularly development affecting heritage assets, is properly considered in its context, and is respectful of its surroundings.
- 4.82 In terms of the fourth policy cited, Policy DM46 is permissive of the refurbishment of educational facilities, without qualification or any criteria needing to be met. It also supports new educational facilities in principle, and any qualifications within the policy do not relate to the redesign and appearance of buildings.
- LOCAL AUTHORITY GUIDANCE**
- 4.83 As previously confirmed, the site lies within a Conservation Area, and adjacent to another. The LPA has published area specific guidance within Conservation Areas, this includes:
- The Harrow on the Hill Conservation Areas Supplementary Planning Document (SPD) (2008);
 - Harrow On The Hill Village Conservation Area Appraisal (2008); and
 - Roxeth Hill Conservation Area Appraisal (2008).
- 4.84 These documents are intended to present townscape and architectural character analysis of the area in question, to assist in policy making and decision taking. In this context, although

they are not part of the Development Plan, they are material to considering whether a planning application should be granted or refused.

4.85 The relevant elements of these documents, and their application to the appeal proposals in heritage terms, are reviewed in the Heritage Statement attached to this appeal.

SUMMARY

4.86 From a review of planning policy at national, London and borough level, the following overarching themes are clear:

- The principle of the appeal proposals - that is the redevelopment and improvement of educational facilities - is embraced by policy at all levels, and the planning benefits that such development can bring are fully recognised, and
- None of the existing or relevant policies cited as being offended by the appeal proposals seek to resist development in principle (indeed one of the policies cited supports the proposal without qualification) - rather, they seek to ensure that development is well designed and considered.

5 THE DEVELOPMENT PROPOSALS

5.1 In essence, the proposal seeks the redevelopment of the Appeal Site to provide a new, four storey classroom block with associated hard and soft landscaping. Before reviewing the proposals themselves, however, the following must be acknowledged:

- There is a need for new, high-quality classroom space within the school;
- The existing Oldfield House building is not only unremarkable (at best) in visual terms, but it is incapable of meeting the school's needs;
- There are no other locations within the school estate that are capable of accommodating the new space provided, and
- Accommodating the space on the footprint of the existing building is an unsatisfactory solution on a range of grounds, and would have a greater impact on the Conservation Area.

5.2 These principles are reviewed below, before a description of the appeal proposals.

THE SCHOOL'S NEED FOR MODERN FACILITIES

5.3 As confirmed in the Educational Rationale Statement attached to this appeal, academic achievement at JLS is, and has been for many years, high. However, there is also a recognition of a pressing and urgent requirement to create more teaching and learning floorspace, enhance teaching spaces, provide better learning opportunities and significantly improve certain academic areas including in particular in science, technology engineering, the arts and mathematics, given the acronym STEAM, and for it to be a curriculum subject in its own right.

5.4 In addition, the school will become co-educational in September 2021, which brings significant benefits, but also results in a range of other requirements to ensure the successful integration of female pupils into the school.

5.5 Meeting these requirements successfully is particularly critical to JLS because, as a school in the independent sector, it must be run so that it is economically viable, and this is only possible by providing a high quality education to all its pupils, in a manner that is attractive to parents of pupils in a competitive market. If it does not, the school and the economic and social benefits it brings, cannot survive.

5.6 The Educational Rationale Statement attached to this appeal sets the background of the proposals, and the need for the accommodation for which permission is sought through this appeal.

THE EXISTING BUILDING

5.7 The suitability of the existing Oldfield House building to meet the school's needs is reviewed in the Educational Rationale Statement attached to this appeal. It concludes that:

- The building fails to meet modern educational building standards, would not meet the necessary DfE regulatory standards even if fully restored, nor modern design requirements without excessive and impracticable intervention;
- The construction and layout of the existing building is unable practicably to be adapted to meet the brief for a high quality STEAM centre of excellence, including modern teaching and learning requirements sought by JLS;
- Its poor circulation space and entrance areas, poor ventilation, energy and temperature control, poor lighting and the subdivision of areas including classrooms does not allow for group learning of subjects and the introduction of a flexible learning programme; and
- The poor circulation space is also contrary to the school's plans for co-education, as for behavioural reasons co-education within a secondary school requires wider spacing of circulatory space, especially on staircases and entrances.

- 5.8 Further, JLS has instructed Heyne Tillett Steel to provide a structural engineering report to consider the structural feasibility of altering the existing Oldfield House to accommodate new educational facilities. This report is attached at **Appendix 6**, and confirms that a replacement building is the most practical solution to provide the quantum of accommodate required.
- 5.9 In this context, Oldfield House does not satisfactorily meet the school's current needs, and is not capable of meeting the school's future requirements.

POTENTIAL ALTERNATIVE LOCATIONS FOR THE DEVELOPMENT WITHIN THE SCHOOL ESTATE

- 5.10 The JLS estate can, broadly, be divided into three parts:
- The main school campus, consisting of the main and old John Lyon school buildings and the Oldfield House site on the northern side of Middle Road, and buildings opposite the main school building on the south side of Middle Road;
 - The Sudbury Hill Playing Fields, and
 - The recently acquired Quanton Hall campus.
- 5.11 It is not possible to accommodate new classroom space on either Sudbury Hill Playing Fields or Quanton Hall in principle, not least as these are too isolated from the main campus.
- 5.12 The main school campus, with the exception of the Oldfield House, is entirely built-up and in any event is subject to the same planning constraints as the Appeal Site (that is, within a Conservation Area, and in close proximity to statutory and locally listed buildings).
- 5.13 Correspondingly, the Oldfield House site consists of an architecturally unremarkable and unattractive building, especially when viewed from Middle Road, Crown Street and Byron Hill Road, which no longer meets modern requirements, set in a generous plot. In this context, and put simply, there is nowhere else in the School estate that can accommodate the floorspace needed.
- 5.14 The lack of suitability of alternative sites within JLS's ownership is also reviewed in the Educational Rationale Statement attached to this appeal.

POTENTIAL ALTERNATIVES TO THE APPEAL PROPOSAL ON THE OLDFIELD HOUSE SITE

- 5.15 As is reviewed in the following section (and in the architectural statement accompanying this appeal), the proposal subject to this appeal has been subject to an unusually vigorous and transparent design process. In particular:
- At the request of the planning committee, alternative siting options were reviewed, including the potential to accommodate the floorspace on the footprint of the current Oldfield House, in the Alternative Site Studies Report of September 2020. This concluded that the alternative options were not achievable in planning terms, and did not meet the school's educational rationale and requirements.
 - The siting of the proposal was relocated before the planning application was submitted, in large part due to feedback from local residents in consultation. In advance of the appeal's submission, in April 2021, a local resident provided an alternative siting sketch plan, illustrating the floorspace proposed on the footprint of existing Oldfield House. However, and to the point that it is relevant, this approach is clearly an unsatisfactory solution compared with the appeal proposals (as confirmed, in detail, in the architectural statement accompanying this appeal).
- 5.16 In this context, a range of alternatives have been considered, and the current development proposal is the optimum development solution for the site, not least as it:

- Balances the school’s educational needs, with
- Successfully addressing architectural, heritage and townscape matters.

5.17 This view was shared by the planning officers at the LPA, and was confirmed in their recommendation to the planning committee.

THE PROPOSAL

5.18 As previously confirmed, the proposals subject to this appeal are those put to the LPA in October 2019, following feedback from officers after submission of the planning application.

5.19 The proposal would demolish the existing Oldfield House, and replace it with a new educational building sited centrally in the plot, largely on land currently covered by hardstanding.

5.20 The new building would be four storeys tall (three floors above ground), albeit it would only read as such on the north-western elevation due to changes in levels. On the south-eastern elevation, the building would read as a three storey building. On the south-eastern and north-western (flank) elevations, the building would be viewed as transitioning between the two.

5.21 The total gross area of the building would be 1,069sqm, and the building would include:

- Science and Technology classrooms;
- An ICT suite;
- STEAM and Art studios, and
- Associated support and circulation space.

5.22 The main pupil’s entrance would be on the south-western elevation of the building, with another garden entrance on the south-eastern elevation, both at “Ground Floor” level. Additional entrances will be on the north-western elevation, at “Lower Ground Floor” level, with external steps to the south west of the building between the two levels.

5.23 The design of the building takes its cues from the other historic buildings on Harrow Hill. The main elevations will primarily be of brick, with a mix of types and colours to reflect and blend the building form with its surroundings.

5.24 Outside the building, the existing play area at the north-western part of the site would be retained, with a new play area to the south-eastern part of the site, where Oldfield House currently stands. Car parking will be accommodated in broadly the same location as existing (with existing vehicular access being retained). Additional hardstanding will be laid in the interests of circulation and outdoor amenity, and will include seated outdoor teaching areas.

5.25 The proposals have been carefully designed in terms of trees and landscaping, and although it is recognised that 3 protected trees will be removed, the AIA attached to this appeal confirms that these are all categorised as “C”. Conversely, the 3 protected trees will be retained, and for the total of 11 trees that are to be removed (in total, including the protected trees), 24 new trees proposed.

5.26 Overall, the appeal proposals will replace an outdated and unremarkable building with a modern-state-of-the art classroom block and additional play/amenity facilities, a solution which will meet the school’s evolving needs whilst also delivering a high quality, well-considered development which is sympathetic to the site and its wider setting.

6 CHRONOLOGY OF THE PLANNING APPLICATION

6.1 This appeal follows a lengthy pre-application and application process, where the proposal has evolved significantly in light of consultation responses received. This section sets out the chronology of the application to date. Further information relative to the design review process can be found in the architectural statement supporting this appeal.

PRE-APPLICATION

6.2 The local authority was first approached in pre-application discussions in late 2018, where two development options (“the bow” and “the rig”) were submitted for review at a meeting on 8 November 2018. Officers raised no concerns about the proposal in principle, albeit there was a recognition that design and related matters would be key in creating a successful proposal.

6.3 This approach was followed by the first design review panel (DRP) in December 2018, where “the rig” option was presented. The DRP’s response is attached at **Appendix 7**, and the comments largely centred on building height and the need for distinction between the two main facades, with an emphasis on the façade facing Crown street being the primary elevation.

6.4 In January 2019, the proposals were presented to the local community at a public consultation event. The Statement of Community Involvement submitted with the application details the feedback received at and following the event, as well as the design team’s response to it. However, the most significant change as a result of community feedback was a movement of the building from the north-western part to a more central location in the Appeal Site. This movement was in part, as a result of concerns raised by the occupants of 56 and 60 Crown Street relative to a loss of their view towards the cricket pitches notwithstanding that impact on views from private property is not a relevant planning consideration.

6.5 However, movement of the building to a more central location also had the benefit of moving it away from the cricket pitches, and allowing a better solution to trees and landscaping and reducing the need for ground excavation.

6.6 A further DRP was held in April 2019, where the “Big House Small House” concept was introduced, as well as the changes introduced in response to the feedback received at the exhibition. The revised scheme was also circulated to officers at the local authority for comment. The DRP’s response is attached at **Appendix 8**, and the LPA officer’s response at **Appendix 9**. Both responses were broadly positive and the planning application was submitted and registered as being received by the LPA on 15 April 2019.

THE PLANNING APPLICATION

6.7 The planning application was submitted, in April 2019. However the LPA required further information in advance of validation (including existing floor plans and elevations and an energy statement). This information was provided, and the application was validated on 15 May 2019 and the statutory consultation process started shortly afterwards.

6.8 In parallel, on 29 May 2019, the application to vary the JLS s.106 agreement was submitted (see planning history section).

6.9 In early July 2019, the LPA raised a number of concerns relative to the submitted proposal, mainly relating to the scale of the development and its impact on the surrounding area. In an e-mail dated 8 July 2019, the case officer indicated that the LPA could not support the proposals on the basis of these concerns.

6.10 In response to this, a meeting was held with the LPA officers on 30 July 2019. At that meeting, officers requested, in broad terms:

- Further information about the educational need and the planning benefits arising from the proposals, and
 - That the height of the building be lowered, even if this resulted in a footprint that was slightly larger than the existing Oldfield House.
- 6.11 On 4 September 2019 a revised proposal was presented to officers in outline form by e-mail, and the case officer confirmed on 10 September 2019, again by an e-mail, that the amended plans largely addressed officer concerns, but also that a full assessment could not be made without the revised marked up views as requested.
- 6.12 Subsequent to this, a comprehensive package of revised information was submitted to the LPA on 23 October 2019, presenting the scheme proposals that were ultimately refused planning permission, and are subject to this appeal. This package included:
- A revised set of scheme drawings, illustrating a lower building to that originally submitted, and other amendments to address officer concerns;
 - Computer generated images of the proposals, and wire line views, and
 - Updated statements to reflect the proposal alterations, relating to Planning, Design and Access, Drainage, Ecology, Energy, Heritage, Landscaping and Trees.
- 6.13 On 18 December 2019, the case officer forwarded comments from the LPA’s conservation officer which indicated that she was satisfied that the amended design was much improved and addressed previous comments. Shortly after this e-mail, the case officer confirmed that she would recommend, to the planning committee, that planning permission be granted.
- 6.14 The application was presented to the planning committee on 22 January 2020, with officers’ recommendation that planning permission be granted (report attached at **Appendix 10**). At the meeting, Members deferred making a decision, to provide the opportunity for the applicant to investigate further whether the new building could be accommodated on the site of the existing Oldfield House, on the same footprint.
- 6.15 Following the Committee meeting, an “Alternative Site Study” was prepared and submitted to the LPA, which considered the options of relocating the building to the location of the current Oldfield House. However, it was found that none of the five options considered were achievable in planning terms, nor would they meet the School’s educational requirements.
- 6.16 In response, on 9 April 2020, the case officer confirmed that it was agreed that Options 3 and 4 should not be pursued (and it was also agreed, separately, that Option 1 was also not to be pursued). However, it was requested that Options 2 and 5 be explored more fully in terms of elevation details and view from Middle Road/Crown Street.
- 6.17 This additional information was provided to the LPA on 20 July 2020, and on 11 August 2020 the case officer confirmed that officers were satisfied that the scheme presented to the Committee in January 2020 was the best option, and requested a final “Alternative Site Study” for consultation. This document was provided on 7 September 2020.
- 6.18 The submitted study was subject to public consultation and stakeholder engagement, including a meeting with Ward Councillors on 19 October 2020, and meeting with local residents on 3 November 2020.
- 6.19 On 18 November 2020, the application was presented a second time to the Planning Committee, again with Officers’ recommendation that planning permission be granted (officer report and addendum attached at **Appendix 11**). At the meeting, Members resolved to refuse planning permission and planning permission was subsequently refused on 24 November 2020.

POST-DECISION

- 6.20 Following the issue of the Decision Notice, clarification was requested from the case officer on 26 November 2020 as to apparent errors with reference to policy in the reason for refusal (see **Appendix 5**). No response has been received to date.
- 6.21 In addition, the Appellant has been on correspondence with local objectors to continue engagement (and to explore whether it was possible to avoid an appeal, albeit unfortunately this has ultimately proved not to be possible) - this correspondence is attached at **Appendix 12**. Included within this correspondence was an alternate siting sketch plan, received by the Appellant in April 2021. This plan has been reviewed by the project architects, and their response to it is reviewed in Section 8 of the Architectural Statement.

SUMMARY

- 6.22 From the foregoing commentary it is clear that the Appellant has engaged closely with the LPA and local community about the design of the proposals in the interests of reconciling local and the schools need. Further, it is evident that the proposals have evolved significantly to take account of the views of the local community, LPA and stakeholders. In this context, and in the context of paragraph 128 of the NPPF, the appellant can clearly demonstrate early, proactive and effective engagement with the community (including the local authority and local people), and the appeal proposals should be looked on more favourably as a result.

7 THE REASON FOR REFUSAL

7.1 As previously confirmed, planning officers were supportive of the development proposals, and recommended to the planning committee that planning permission be granted. However, Members resolved to refuse planning permission against their officers' recommendation, and the Decision Notice lists one reason for refusal:

"The proposal, by reason of excessive scale and inappropriate siting, would do harm to the local character of the area and would not preserve or enhance the character and appearance of the Conservation Area, contrary to Policies DM1, DM6, DM7 and DM46 of the local plan, CS18, CS10 and CS3A of the Core Strategy and 7.4, 7.6 and 7.8 of the London Plan (2016) and D1, D2 and HC1 of the Draft London Plan (2019)."

7.2 The matters arising from the reason for refusal are addressed below in architectural, townscape and heritage terms.

ARCHITECTURAL MATTERS

7.3 Architectural matters, in response to the reason for refusal, is set out in the attached Architectural Statement, which confirms:

- As a piece of architecture, the current Oldfield House does not enhance the two Conservation Areas affected - rather it is found that it has a negative impact on its surroundings.
- Contrastingly, it is found that the proposed development responds sensitively to its surroundings, adding a 21st Century layer to the rich and varied townscape of the Hill, not least as a result of the extensive scrutiny of the design process by a range of stakeholders.

7.4 In this context, the award winning architects conclude that the proposal will provide the School with the cutting-edge educational space it requires, providing the best opportunity to deliver its curriculum requirements long into the future. It is considered that the proposal will be a flagship building for the School which meets its brief whilst responding appropriately and contextually to a sensitive site, representing a piece of exceptional high-quality design that will benefit the School and the Conservation Areas for years to come.

TOWNSCAPE MATTERS

7.5 The Townscape and Visual Appraisal, attached to this appeal, has been prepared by a consultant that was approached after the application was refused, to provide an independent expert opinion by providing an evaluation of the existing townscape character of the site and its surroundings, and the visual effects of the proposed development.

7.6 The appraisal concludes that:

- The appeal proposals respond to the prevailing characteristics of their immediate surrounding townscape, and
- The architects have taken the opportunities afforded by the Appeal Site to create a building of high quality in a contemporary style, which responds to the key characteristics present within the varying townscape.

7.7 As such, the author considers that the Scheme is appropriate to its townscape context, and that it does not require design that mimics or slavishly copies all the aspects of neighbouring developments where there is no reason to do so. In this context, it is found that there is no conflict with relevant policies relating to design.

HERITAGE MATTERS

7.8 This appeal is accompanied by a Heritage Statement prepared by consultant instructed after planning permission had been refused to provide an independent, expert view of the impact of the appeal proposals in heritage terms. This Heritage Statement concludes that:

- The current Oldfield House is an unremarkable 1980s building of no special architectural interest and that, notwithstanding the findings of the LPA’s Conservation Area Appraisal, the impacts of the building upon the townscape and Conservation Areas are negative.
- Re-development of Oldfield House and its replacement by a well-designed piece of contemporary architecture would offer the opportunity to enhance the character and appearance of the relevant Conservation Areas, and the setting of other close-by heritage assets, fully in accordance with government and Development Plan policy and Historic England guidance.
- The appeal proposals would be a bespoke piece of contemporary architecture adding a new layer of interest to the richly varied townscape of the area.

7.9 In this context, the proposals are found to bring enhancements to the two relevant Conservation Areas, cause no harm or damage to the significance of any heritage asset and preserve those elements of setting which make a positive contribution to significance, and as such the appeal proposals fully accord with the requirements of relevant legislation and policy in heritage terms.

POLICIES CITED IN THE REASON FOR REFUSAL

7.10 The policies cited in the reason for refusal are reviewed in the context of the commentary below (with the exception of Policy CS18 and Policy CS10, as previously confirmed one policy does not exist and the other addresses another part of Harrow and as such is not relevant to the proposal in any respect).

Harrow Development Management Policies - DM1

7.11 The scope of Policy DM1 is wide ranging, covering a broad spectrum of development management issues including design and amenity. The elements of the policy considered most relevant to the matters raised in the reason for refusal are:

“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;...”

7.12 The proposal embraces these elements of DM1, as:

- It is clear from the submissions that the proposal achieves a high standard of design and layout, which has been informed by extensive consultation with local stakeholders and will enhance local character and appearance.

- The massing, bulk, scale and height of the proposals are respectful and consistent with its surroundings, and will have no detrimental impact on enamoured occupiers.
- The appearance of the proposed building has been very carefully considered in terms of all of the matters raised by the policy, as has the Appeal Site's context provided by neighbouring buildings.

Harlow Development Management Policies - DM6

7.13 Policy DM 6 confirms:

"A. Proposals affecting an area of special character will be considered having regard to:

a. the impact of the proposal upon the strategic value of the area of special character;

b. the desirability of preserving or enhancing the environmental, architectural, historic and landscape features that contribute to the area of special character;

c. the protected views to and from areas of special character.

B. Proposals that would realise sustainable opportunities for increased appreciation of, or public access to, areas of special character will be supported.

C. Proposals that would substantially harm an area of special character, or its setting, will be refused."

7.14 To the extent that it is relevant to the matters raised in the reason for refusal, there is no conflict with this policy arising as a result of the appeal proposals:

- The impact of the proposal on the area of special character has been carefully considered, as have preserving and enhancing features that contribute to the character of the surrounding area.
- There is no harm to the area resulting from the proposal, substantial or otherwise - rather it will be enhanced, by replacing a building that has a negative impact with one that will have a positive impact.

Harlow Development Management Policies - DM7

7.15 Policy DM7 is a wide-ranging policy, addressing all heritage matters, with the following elements relevant to the matters raised in the reason for refusal:

"A. When assessing proposals affecting heritage assets, including non designated heritage assets, priority over other policies in the DPD will be afforded to the conservation of the assets affected and their setting as appropriate to the significance of the assets. Proposals that secure the preservation, conservation or enhancement of a heritage asset and its setting, or which secure opportunities for sustainable enjoyment of the historic environment, will be approved.

B. The impact of proposals affecting heritage assets will be assessed having regard to:

a. emerging or adopted supplementary planning documents, including character appraisals and management plans or other relevant documents;

b. relevant issues of design, appearance and character including proportion, scale, height, massing, bulk, alignment, materials, historic fabric, use, features, location, relationship with adjacent assets, setting, layout, plan form and landscaping;

c. the preference to be afforded to proposals that both conserve and sustain heritage assets and their setting;...

D. In addition to (A) and (B) above, when considering proposals within conservation areas, the Council will:

a. support the redevelopment of sites that detract from the character or appearance of the conservation area; and

b. exploit opportunities to restore lost features or introduce new ones that would enhance the character and appearance of the conservation area.

E. In addition to (A) and (B) above, when considering proposals affecting listed buildings and their setting, the Council will:

a. pay special attention to the building's character and any features of special architectural or historic interest which it possesses, and the role of the building's setting in these regards;"

7.16 This policy clearly supports the appeal proposals, not least as:

- The appeal proposals will secure the enhancement of heritage assets;
- They have been assessed against the matters raised in the policy, including supplementary planning documents and character appraisals, and issues such as design, appearance and character, and have been found to positively address them, and
- The proposal involves the redevelopment of a site which currently detracts from the character or appearance of the Conservation Area, with a new building that would enhance the character and appearance of them.

Harrow Development Management Policies - DM46

7.17 This policy supports the refurbishment and re-use of existing premises for educational facilities unconditionally. Further, proposals for the provision new community, sport and educational facilities will be supported where:

- They are located within the community that they are intended to serve;
- They are safe and located in an area of good public transport or accessibility or in town centres; and
- There will be no impact on residential amenity or highway safety.

7.18 None of these matters are relevant to the matters raised in the reason for refusal, and as the proposals evidently are embraced by Policy DM46.

Harrow Core Strategy - CS3A

7.19 This policy states:

"Development will be managed to maintain the special character of Harrow on the Hill and its setting. Sensitive uses and alterations which secure investment and safeguard the future of statutory and locally listed buildings will be supported. The character or appearance of Harrow Hill's Conservation Areas will be preserved or enhanced in accordance with the management strategies for the area."

7.20 The proposal is clearly in accordance with this policy, not least as:

- The appeal proposals pay close attention to the special character of Harrow on the Hill and its setting;

- The development clearly represents a “sensitive alteration” to the area, which secures investment and safeguards the future of statutory and locally listed buildings, and
- The character and appearance of the relevant Conservation Areas will be enhanced by the development.

London Plan 2016 - Policy 7.4 (now superceded)

7.21 In terms of planning decisions, this policy confirms the following:

“Buildings, streets and open spaces should provide a high quality design response that:

a has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass

b contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area

c is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings

d allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area

e is informed by the surrounding historic environment.”

7.22 In so far as the matters raised in this policy are relevant, there is no conflict with the proposals as, in architectural terms, the proposal has been designed successfully with regard to the matters raised, not least the surrounding historic environment.

London Plan 2016 - Policy 7.6 (now superceded)

7.23 In terms of planning decisions, this policy confirms the following relating to matters of visual impact:

“Buildings and structures should:

a be of the highest architectural quality

b be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm

c comprise details and materials that complement, not necessarily replicate, the local architectural character...

i optimise the potential of sites”

7.24 The policy, is therefore, a generally worded policy similar to the parts of Development Plan Policy D1 identified above, and the appeal proposals embrace the policy for the reasons stated in this policy.

London Plan 2016 - Policy 7.8 (now superseded)

7.25 This policy addresses heritage assets, and confirms that, in planning decisions:

“Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.”

7.26 As previously confirmed, the appeal proposals will be an enhancement in terms of the heritage assets most affected by the development, and should be supported in these terms.

London Plan 2021 - Policy D1

- 7.27 As previously confirmed, Policy D1 addresses plan making rather than decision taking, and is not relevant to the appeal proposals, and therefore the appeal proposals cannot offend the policy.

London Plan 2021 - Policy D2 (adopted as D4)

- 7.28 This policy sets out detailed measures to ensure that good design is delivered through, inter alia:
- Design analysis, including visual modelling assessments;
 - Design scrutiny, and
 - Design reviews.

- 7.29 It is clear that such design process has been followed in support of the appeal proposals, resulting in a building that enhances its sensitive setting.

London Plan 2021 - Policy HC1

- 7.30 In terms of planning decisions, this policy confirms that:

“Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process”

- 7.31 From review of the information attached to his appeal, it is clear that these matters have been extensively considered, and that the proposal will enhance heritage assets, and as such the appeal proposals are entirely consistent with the policy.

SUMMARY

- 7.32 In the context of the above, it is clear that the appeal proposals are not excessive, nor inappropriate, and will not harm the local character of the area and instead will enhance the character and appearance of the relevant Conservation Areas. Further, they do not offend the policies cited in the Decision Notice - on the contrary, the policies cited tell in favour of granting planning permission.
- 7.33 All relevant government and Local Plan policies would be met in full by the proposals together with the presumption in favour of sustainable development being granted planning permission in this case.

8 OTHER MATTERS

- 8.1 The following review of other development management considerations demonstrate that the appeal proposals accord with the Development Plan and there is no harm identified which could not be addressed by the use of planning conditions.

METROPOLITAN OPEN LAND

- 8.2 As previously confirmed the western land parcel included within the application “red line” includes some land that is in MOL. However, no development is proposed in this land parcel, let alone on MOL. In addition, land to the north-west of the Appeal Site (the Harrow School Cricket Pitches) also lies in MOL.

- 8.3 However, the proposal lies well outside MOL, and the proposal would be viewed in the context of the existing school buildings that currently frame the cricket pitches, and therefore MOL. The proposals would, therefore, not have a detrimental impact on MOL and this position is shared with the LPA (as confirmed in paragraph 6.5.2 of the Officers’ Report to November 2020 Committee).

RESIDENTIAL AMENITY

- 8.4 The new classroom building would be located more than 30m from the nearest residential property (60 Crown Street), and the proposed new building would be sited at an angle from this property. In this context, the amenity of adjoining occupiers would be maintained to an acceptable level, and this position is shared with the LPA (as confirmed in paragraph 6.4.3 of the Officers’ Report to November 2020 Committee).

TREES AND LANDSCAPING

- 8.5 As previously confirmed, the proposals have been carefully designed in terms of trees and landscaping, and although it is recognised that three protected trees will be removed, the AIA attached to this appeal confirms that these are all categorised as “C”. Conversely, 3 protected trees will be retained, and for the 11 trees that are to be removed (in total), 24 are proposed as new planting. As such, the proposal is acceptable in terms of trees and landscaping.

ECOLOGY

- 8.6 The most recent ecological study work relative to the Appeal Site is the November 2019 Preliminary Ecological Assessment (PEA). This only recommended precautionary actions in terms of works to one tree, and proportional ecological enhancements. Both of these matters can readily be addressed by condition, and as such there are no ecological grounds for refusing planning permission.

ARCHAEOLOGY

- 8.7 An archaeological desk based assessment was submitted with the application, and it has been confirmed by GLAAS that any archaeological impact can be mitigated through planning condition, and this position is shared with the local authority (as confirmed in paragraph 6.8.3 of the Officers’ Report to November 2020 Committee).

TRAFFIC, PARKING, ACCESS AND SERVICING

- 8.8 The proposal has adequately addressed transport impact, the Highway Authority raised no objections. It is agreed that a Construction Logistics Plan can be discussed and agreed in due course, by way of condition, to address concerns raised by local residents about construction traffic.

DRAINAGE AND FLOOD RISK

- 8.9 The Appeal Site lies within Flood Zone 1 and the LPA's drainage engineers have raised no objection, subject to condition, and as such the development proposals are considered to satisfy policy objectives, and this position is shared with the local authority (as confirmed in paragraph 6.10.4 of the Officers' Report to November 2020 Committee).

ENERGY AND SUSTAINABILITY

- 8.10 Subject to conditions to ensure that the proposals detailed in the energy and sustainability assessment submitted with the planning application are implemented, the proposal complies with the development plan and is acceptable in these terms, and this position is shared with the local authority (as confirmed in paragraph 6.12.7 of the Officers' Report to November 2020 Committee).

SUMMARY

- 8.11 In this context, beyond the reason for refusal (addressed in the previous chapter), there are no other development management considerations which would suggest that planning permission be refused, and this is further confirmed in the Officers' committee report.
- 8.12 All relevant development management policies are fully met, as stated above.

9 PLANNING BENEFITS

- 9.1 The proposal will bring forward substantial and wide-ranging planning benefits to JLS, the surrounding area and Harrow as a whole. These benefits, in the context of the objectives of sustainable development within the NPPF, are reviewed below:

SOCIAL

- 9.2 As confirmed in the Development Plan, JLS is a notable local institution that contributes significantly to Harrow's reputation as a place for learning. As such, it brings substantial social benefits to the area and local community. An objective of the Core Strategy is to support JLS and retain it within Harrow, and development to support its continued operation is specifically envisaged in the Development Plan.
- 9.3 As set out in the Educational Rationale statement, the school brings forward substantial local benefits through the provision of high-quality education, and benefits to the local community. However, the development is sought to address key requirements that the school Campus cannot currently accommodate, and not only will bring forward benefits in its own terms (through improved facilities for STEAM, and co-education), but will also ensure that the school can compete and thrive in a competitive marketplace. In this context, the development proposals will bring forward substantial social benefits to the Borough.

ECONOMIC

- 9.4 The proposal will bring forward economic benefits through the improvement of education provision, and the Educational Rationale Statement highlights the national skills shortage in science, technology, engineering and maths (STEM), as a result of education. It is confirmed that innovative organisations rely on the regular intake of good quality STEM graduates to refresh their innovation capabilities. Innovation-active enterprises employ higher proportions of graduates in general and, in particular, a higher proportion of STEM graduates than their non-innovative counterparts. In this context, the CBI has reported that a STEM skills base is vital to our future as a knowledge-intensive economy. As such the proposal will bring significant economic benefits.
- 9.5 In addition, the development itself will bring forward jobs in construction and related industries.

ENVIRONMENTAL

- 9.6 As previously confirmed, the Appeal Site is within a Conservation Area, and will remove an unremarkable building of no special architectural interest or character and which has a negative impact on the surrounding townscape. It will be replaced with a well-designed piece of contemporary architecture which enhances the character and appearance its surroundings. This is a substantial environmental benefit.

SUMMARY

- 9.7 In this context, it is clear that the proposals will bring forward substantial planning benefits which go beyond the requirements of planning policy, further telling in favour of planning permission being granted.

10 CONCLUSIONS

- 10.1 The Appellant's case concludes, from an assessment of the relevant planning issues, assisted by a suite of technical documents which have been prepared, that this appeal should be allowed and planning permission be granted.
- 10.2 The rationale behind the development is that JLS, a significant local educator that is recognised in the Development Plan as making a significant contribution to Harrow's reputation as a place of learning, requires additional, modern facilities in order to ensure that it can compete and thrive in a changing marketplace, and continue to deliver (and enhance) the planning benefits it brings. In this context, there is a clear, identified need for the development.
- 10.3 There is nowhere else within the school campus that this need can be accommodated, and the location of the new building within the Appeal Site has been subject to extensive consultation and scrutiny. In this context, and in so far as it is relevant, there is no alternative to the appeal proposals which would address both the educational requirements of the school, and its sensitive location (in townscape and heritage terms).
- 10.4 In this context:
- The proposal is not of an excessive scale, and its siting is appropriate, despite the reason for refusal suggesting (without evidence) the contrary;
 - It will not harm the local character of the area, again contrary to the reason for refusal;
 - It will not only preserve the character and appearance of the Conservation Area, it will also enhance it;
 - The proposal will bring a range of substantial planning benefits that would in any event tell in favour of development;
 - There are no other development management issues which would tell against granting planning permission for the proposal; and
 - The proposal complies, in its entirety, with the Development Plan and national planning policy.
- 10.5 Therefore:
- The proposal is acceptable in its own terms, as it successfully addresses relevant policies in the Development Plan (including those cited, without evidence, in the reason for refusal), and
 - Further, it will bring forward substantial planning benefits (not least those arising from the improvement in educational provision at the heart of the proposals).
- 10.6 On this basis, the appeal should be allowed and planning permission be granted.
- 10.7 The Appellant reserves the right to add to any of the information attached to this appeal, in advance of seeing the LPA's detailed Statement of Case, including any evidence to justify the reason for refusal.