



**DEVELOPMENT CONTROL
COMMITTEE
TUESDAY 17 OCTOBER 2006
7.30 PM**

COMMITTEE AGENDA

**COMMITTEE ROOMS 1 & 2,
HARROW CIVIC CENTRE**

MEMBERSHIP (Quorum 3)

Chairman: Councillor Mrs Camilla Bath

Councillors:

**Robert Benson
Don Billson
G Chowdhury
Manji Kara (VC)
Narinder Singh Mudhar
Joyce Nickolay**

**Mrinal Choudhury
Keith Ferry
David Gawn
Thaya Idaikkadar**

Reserve Members:

**1. Dinesh Solanki
2. Anthony Seymour
3. Julia Merison
4. Yogesh Teli
5. Macleod-Cullinane
6. Mrs Kinnear
7. Mark Versallion**

**1. David Perry
2. Mrs Rekha Shah
3. Graham Henson
4. Phillip O'Dell**

**Issued by the Democratic Services Section,
Legal Services Department**

**Contact: Kate Boulter, Committee Administrator
Tel: 020 8424 1269 E-mail: kate.boulter@harrow.gov.uk**

***NOTE FOR THOSE ATTENDING THE MEETING:
IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.
IT WILL BE COLLECTED FOR RECYCLING.***

HARROW COUNCIL

DEVELOPMENT CONTROL COMMITTEE

TUESDAY 17 OCTOBER 2006

AGENDA - PART I

Enc.

Guidance Note for Members of the Public Attending the Development Control Committee (Pages 1 - 2)

1. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. **Right of Members to Speak:**

To agree requests to speak from Councillors who are not Members of the Committee, in accordance with Committee Procedure 4.1.

3. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

4. **Arrangement of Agenda:**

(a) To consider whether any item included on the agenda should be considered with the press and public excluded because it contains confidential information as defined in the Local Government (Access to Information) Act 1972 (as amended);

(b) to receive the addendum sheets and to note any applications which are recommended for deferral or have been withdrawn from the agenda by the applicant.

5. **Minutes:**

That the minutes of the meeting held on 5 October 2006 be deferred to the next meeting of the Committee.

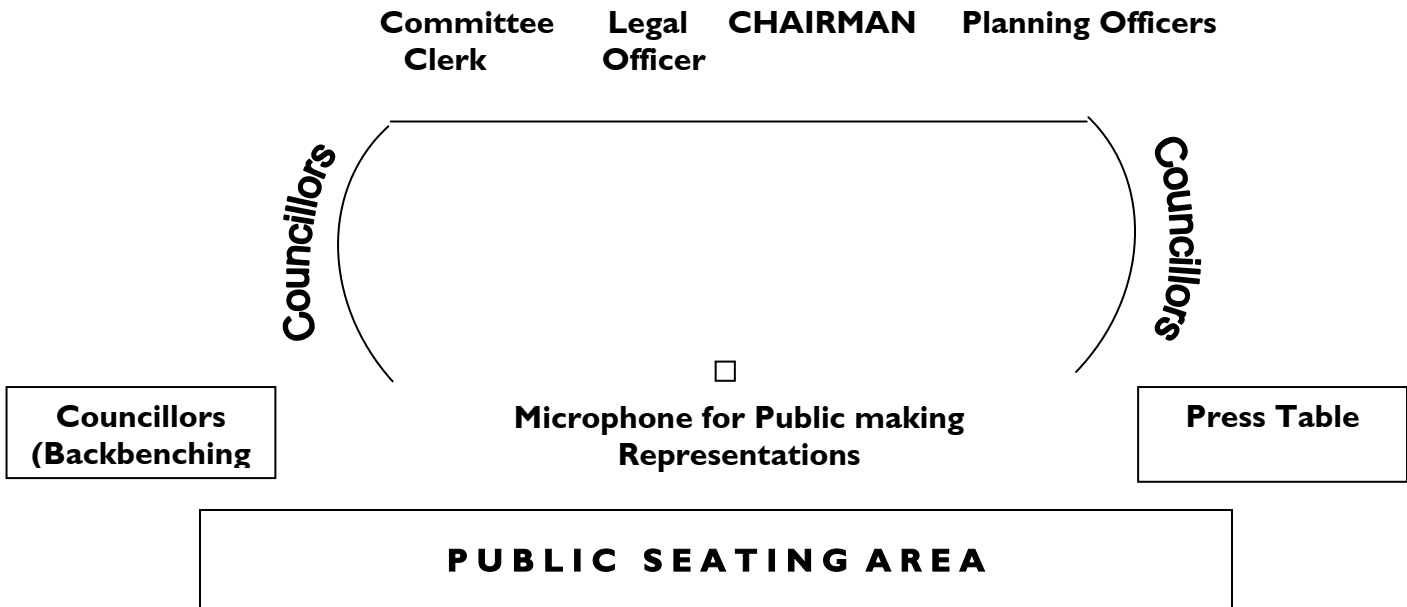
6. **Matters Arising from the Minutes of the Last Meeting:**
To consider any matters arising from the minutes of the last meeting.
7. **Public Questions:**
To receive questions (if any) from local residents/organisations under the provisions of Committee Procedure Rule 19 (Part 4B of the Constitution).
8. **Petitions:**
To receive petitions (if any) submitted by members of the public/Councillors.
9. **Deputations:**
To receive deputations (if any) under the provisions of Committee Procedure Rule 17 (Part 4B) of the Constitution.
10. **References from Council and other Committees/Panels:**
To receive references from Council and any other Committees or Panels (if any).
11. **Representations on Planning Applications:**
To confirm whether representations are to be received, under Committee Procedure Rule 18 (Part 4B of the Constitution), from objectors and applicants regarding planning applications on the agenda.
12. **Planning Applications Received:**
Report of the Head of Planning - circulated separately.
13. **Planning Appeals Update:**
Report of the Head of Planning – for information.
- Enc. 14. **Enforcement Notices Awaiting Compliance:** (Pages 3 - 14)
Report of the Head of Planning – for information.
- Enc. 15. **46 Howberry Road, Edgware:** (Pages 15 - 24)
Report of the Head of Planning.
16. **Any Other Urgent Business:**
Which cannot otherwise be dealt with.
17. **Member Site Visits:**
To arrange dates for Member site visits that have been agreed during the course of the meeting (if any).

AGENDA - PART II - NIL

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**GUIDANCE NOTE FOR MEMBERS OF THE PUBLIC
ATTENDING THE DEVELOPMENT CONTROL COMMITTEE**

Committee Room Layout



Order of Committee Business

It is the usual practice for the Committee to bring forward, to the early part of the meeting, those planning applications where notice has been given that objectors wish to speak, or where members of the public have come to hear the debate.

You will find a slip of paper on your seat for you to indicate which item you have come for. This should be handed to the Committee Administrator prior to the start of the meeting.

Although the Committee will try to deal with the application which you are interested in as soon as possible, often the agendas are quite long and the Committee may want to raise questions of officers and enter into detailed discussion over particular cases. This means that you may have to wait some time. The Committee normally adjourns around 9.00 pm for a short refreshment break for Members.

Rights of Objectors/Applicants to Speak at Development Control Committees

Please note that objectors may only speak if they requested to do so before 5pm on the working day before the meeting. In summary, where a planning application is recommended for grant by the Group Manager (Planning and Development), a representative of the objectors may address the Committee for up to 3 minutes.

Where an objector speaks, the applicant has a right of reply.

Planning Services advises neighbouring residents and applicants of this procedure.

The Development Control Committee is a formal quasi-judicial body of the Council with responsibility for determining applications, hence the need to apply rules governing the rights of public to speak. Full details of this procedure are also set out in the "**Guide for Members of the Public Attending the Development Control Committee**" which is available in both the Planning Reception or by contacting the Committee Administrator (tel 020 8424 1269). This guide also provides useful information for Members of the public wishing to present petitions, deputations or ask public questions, and the rules governing these procedures at the Development Control Committee.

Addendum Sheet

In addition to this agenda, an Addendum Sheet is produced on the day of the meeting. This updates the Committee on any additional information received since the formal agenda was published and also identifies any applications which have been withdrawn by applicants or which officers are recommending for deferral. Copies of the Addendum are available for the public in the Committee Room from approximately 7.00 pm onwards.

Decisions taken by the Development Control Committee

Set out below are the types of decisions commonly taken by this Committee

Refuse permission:

Where a proposal does not comply with the Council's (or national) policies or guidance and the proposal is considered unacceptable, the Committee may refuse planning permission. The applicant can appeal to the Secretary of State against such a decision. Where the Committee refuse permission contrary to the officer recommendation, clear reasons will be specified by the Committee at the meeting.

Grant permission as recommended:

Where a proposal complies with the Council's (or national) policies or guidance and the proposal is considered acceptable, the Committee may grant permission. Conditions are normally imposed.

Minded to grant permission contrary to officer's recommendation:

On occasions, the Committee may consider the proposal put before them is acceptable, notwithstanding an officer recommendation of refusal. In this event, the application will be deferred and brought back to a subsequent meeting. Renotification will be carried out to advise that the Committee is minded to grant the application.

Defer for a site visit:

If the Committee decides that it can better consider an application after visiting the site and seeing the likely impact of a proposal for themselves, the application may be deferred until the next meeting, for an organised Member site visit to take place.

Defer for further information/to seek amendments:

If the Committee considers that it does not have sufficient information to make a decision, or if it wishes to seek amendments to a proposal, the application may be deferred to a subsequent meeting.

Grant permission subject to a legal agreement:

Sometimes requirements need to be attached to a planning permission which cannot be dealt with satisfactorily by conditions. The Committee therefore may grant permission subject to a legal agreement being entered into by the Council and the Applicant/Land owner to ensure these additional requirements are met.

(Important Note: This is intended to be a general guide to help the public understand the Development Control Committee procedures. It is not an authoritative statement of the law. Also, the Committee may, on occasion, vary procedures).

ENFORCEMENT NOTICES AWAITING COMPLIANCE 17th OCTOBER 2006

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
8 CECIL ROAD Demolish unauthorised structure	ENF/339/01/EAST LP/KW/PEN-12858	GW	12-September-01	17-Oct-01 (Legal Contact Officer-JF)	15-Feb-02	26-Mar-02	Hearing. 19-Aug-03.	1 Month	26-Apr-02 27/9/03	Planning application received. Being determined. Refused 01-Aug-02. Legal to write to developer giving him a month to comply. Letter sent. 18.10.02. Prosecute for non-compliance. Appeal now entered against the refusal of permission held in abeyance until result. Prosecution statement with Borough Solicitor for checking. Letter for action sent by Borough Solicitor. Borough Solicitor forwarding papers to Court. Court case deferred till 7 Apr 04. Court case deferred to 28-APR-04. Court adjourned to 19 May 2004 for Committal hearing. Court issued a warrant with no bail as the defendant failed to attend. Borough solicitor to appoint investigator to provide information to the Police. Notification sent to owner at the site re Council's option to take direct action. Enf Officer to prepare prosecution statement. Land owner could not be traced, enf officer to prepare report to DC Committee recommending future action.
482 KENTON ROAD KENTON Erection of two sheds and use of and garage for non domestic storage, BCN.	ENF/205/EAST LP/KW/PEN-13005/bw	RJP	11-September-02	16-Sep-02 16-Jul-03 (Legal Contact Officer-DG)	23-Jan-04			1 month		One shed now removed. New Notice to be prepared. New authority now signed. Borough Solicitor preparing notice. Changes to the property require a new report to be prepared to the Development Control Committee. Borough Solicitor to serve breach of condition notice. BCN served 23 January 2004. Borough Solicitor corresponding with owners solicitor. Site visit to be carried out then Enf Officer and Borough Solicitor to discuss the likelihood of success in Court. Enf. Officer to visit. New committee report to be drafted.

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9 WEST DRIVE GARDENS HARROW Roof alterations without planning permission	EAST/631/02/FUL ENF/480/02/EAST LP/MW/PEN/13018	GDM	20-September-02		11-Feb-03	21-Mar-03	Hearing 03-Jun-03	10 months	21-Jan-04 21-Mar-04 26-APR-04	Notice to be served as soon as possible. Notice of appeal served. Appeal Dismissed Insp letter dated 20-Jun-03. Owners have offered to do works required, starting in Sept 2004. Site inspected in Sept 04, no works carried out. Planning app P/3293/04/DFU submitted. App refused. Borough Solicitor sent letter before action. Enf Officer has visited site with a view to preparing prosecution witness statement.
81 Roxeth Hill Harrow on the hill Erection of roof extension	ENF/24/05/P Appeal 3308	DMC		(Legal Contact Officer- AK)	8-Dec-04	14-Jan-05	Hearing 18-Oct-05	9 Months	Compliance date 19/7/06	AB / RD checking when roof was erected. Borough Solicitor preparing notice. Notice prepared. Appeal part allowed. The property owner is required to removed roof extension and reinstate the roof to its former condition or build in accordance with planning permission P/93/05/DFU the compliance period has been varied from 3 months to 9 months. Recent site visit established that no action had been taken to comply with amended notice. Owner subsequently wrote to Council requesting more time, Council did not agree to this and prosecution proceedings now to be instigated.
154 Eastcote Lane South Harrow Single storey rear extension and raised patio	ENF/317/03/P	GW	17-March-04	(Legal Contact Officer- CML)	27-may-04	30-Jun-04		3 Months	01-Oct-04	Appeal received, appeal not valid. Section 78 appeal submitted, awaiting outcome. S78 appeal dismissed, owners asked to provide details of timescale for compliance with notice. Agent looking into how to alter development to comply with notice. Draft prosecution statement prepared. Case Officer to undertake site visit, to proceed with prosecution subject to site visit.

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REGENT HOUSE, 21 CHURCH ROAD, STANMORE. Erection of Four Air Con Units on a Listed Building	ENF/442/02/EAST	CJF AND AB RJP (Case Officer)	10-July-03	16-Jul-03 (Legal Contact Officer- AK)	13-Jan-05	23-Feb-05	Appeal dismissed.	3 Months	24-May-05 01-Mar-06	An incomplete application for the screening of the units was submitted in Nov 2004. The applicant is looking to provide further information to make this application valid. Appeal dismissed. Case Officer to follow up and take necessary action.
Broomhill Mount Park Road Harrow on the Hill Compliance with condition 8	ENF/625/03/P	GDM RJP (Case Officer)	8-December-04	(Legal Contact Officer- DG)	7-FEB-05	11-MAR-05	Written Representations	3 Months	09-APR-05 09-DEC-05	Appeal submitted. Appeal determined and upheld. Enforcement officer to monitor conditions. Conditions have not been met, case officer drafted Breach of Condition Notice.
Portman Hall Old Redding Harrow Erection of fence on roof	ENF/96/03/P	GDM (Report) GW (Case Officer)	21-April-04	28-Apr-04 (Legal Contact Officer- AK)	7-APR-05	8-MAY-05	Hearing 18- October-05	3 Months Varied to 6 months at appeal.	9-Aug-05 1-May-06	Draft notice prepared. Opinion on draft enforcement notice being sought from Counsel. Notice served. Appeal submitted. Appeal dismissed, notice varied to allow 6 months for compliance. Compliance date has expired, A new planning application has been submitted for the installation of fencing to roof terraces and installation of railings to roof edging reference P/1149/06/CFU, awaiting decision, case officer to monitor situation, awaiting outcome of planning application.
35 Orchard Grove Edgware Extensions over 70 cubic metres.	ENF/483/04/P	RJP (report) GW (Case Officer)	17-May-05	7-June-05 (Legal Contact Officer- AK)	24-Nov-05	04-Jan-06	Appeal submitted. Appeal withdrawn	6 months	5-Jul-06	Section 330 notice served on 6-July-05. Section 330 Notices were returned unopened. Enforcement Notices issued. Appeal Submitted, awaiting outcome. Appeal withdrawn. Appellant intends to comply with The Town and Country Planning (General Permitted Development) Order 1995. Enforcement Officer to monitor and ensure compliance.

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61 Oxley Road Harrow Erection of rear extension and wall	ENF/425/04/P	RJP (Report) DMc (Case Officer)	17-May-05	7-October-05 (Legal Contact Officer-CML)	20-Jun-05	14- Nov-05		6 months	15-May-06	Section 330 notice served on 20-June-05. Enf notice issued. Case Officer visited on 7 th September 2006, notice not complied with, letter sent advising owner of intention to commence prosecution proceedings.
46 Repton Road, Kenton Unauthorised change of use to a builders yard.	ENF/565/04/P	DMc (Report) DMc (Case Officer)	27-July-05	10-Aug-05 (Legal Contact Officer-CML)	27- Oct-05	02- Dec-05	Appeal received	3 months	03-Mar-06	SS330 notice served on 25-August-05. Appeal lodged, awaiting outcome (appeal site visit being held on 9 th October 2006).
22 Walton Road, Harrow Unauthorised construction of a single storey rear extension and front porch.	ENF/530/03/P	RJP (report)	27-July-05	10-Aug-05 (Legal Contact Officer-CML)	17-Oct05	28-Nov-05	Appeal submitted.	3 months	01-Mar-06 28-Jun-06	Appeal fee not paid to the Planning Inspectorate, thus appeal not validated. Planning Inspectorate confirmed in letter dated 27 March 2006. Case to be re-allocated to new Officer to carry out site visit to check establish and commence prosecution proceedings if required.
4 Elm Park Stanmore Unauthorised conversion of a detached garden building at the rear of the property to dwellinghouse	ENF/297/03/P	RJP (Report) DMC (Case Officer)	17-March-04 7-January-06	23-Mar-04 27-Jul-04 11-Jan-06 (Legal Contact Officer-CML)	10-Feb-06	17-Mar-06	Appeal Hearing 9 th November 2006	6 Months	17-Sept-06	Reported to DCC again with retrospective planning application. Application refused. New report to be prepared by Enf Officer. New report drafted, to be placed before DC Committee on 7 Dec 2005. Notice served. Appeal lodged, has been combined with planning appeal, hearing set for 9 th November 2006.
79 Pinner Hill Road, Pinner Unauthorised construction of a garage forward for the dwellinghouse.	ENF/183/05/P	RJP (Report) DMc (Case Officer)	9-November-05	28-Nov-05 (Legal Contact Officer-CML)	6-December-05	27-January-06	S78 appeal dismissed 31 st July 2006	3 months	27-April-06	Enforcement Notice served. S78 Appeal dismissed, owner has indicated that compliance will be secured by 12 th November 2006 – Case Officer to monitor.
875 Field End Road, Harrow Unauthorised construction of a single storey rear canopy.	ENF/43/04/P	RJP (report)	9-November-05	28-Nov-05 (Legal Contact Officer-CML)	22-Feb-06	03-Apr-06	Appeal lodged	3 Months	4 July 2006	Enforcement Notice served. Appeal submitted, awaiting outcome.

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47 Turner Road, Edgware Unauthorised construction of a rear conservatory and side extension.	ENF/383/03/P	RJP (report)	7-September-05	16-Sep-05 (Legal Contact Officer-CML)	17-Mar-06	24-April-06	Appeal lodged	3 Months	24-Jul-06	S330 notice served on the 16-November-05. Enforcement Notice served. Appeal submitted, awaiting outcome.
1 and 1A Buckingham Road, Harrow Unauthorised construction of a rear building in the garden	ENF/147/04/P	RJP (Report)	7-September-05	16-September-2005 (Legal Contact Officer-AK)	10-May-2006	20-June-2006	Appeal lodged – Public Inquiry arranged for 30 January 2007	3 Months	20-September-2006	S330 notice served 30-November-2005 Appeal lodged on grounds (a), (e), (f) and (g).
56 Lake View, Edgware Unauthorised construction of a front porch.	ENF/989/04/P	RJP (report) RJP (officer)	11-October-05	13- Oct-05 (Legal Contact Officer-CML)	24-April-2006	5-June-2006	Appeal lodged	3 Months	5-September-2006	S330 notice served on 17-October-05. Refusal of planning permission appealed against. S78 appeal dismissed on 16-Jan-06. Appeal lodged against Enforcement Notice, awaiting outcome.
Copse Farm, 2 Brookshill Cottages, Dairy Cottages, Brookshill Drive, Harrow Erection of fencing	ENF/224/04/P	RJP (report) GDM (officer)	11-October-05	13-Oct-05 (Legal Contact Officer-CML)	1-June-2006	28-June-2006		1 Month	28-July-2006	Section 330 notice served on 4-November-05. 13-June-2006, the Case Officer visited the site, at the time of the visit the section of fencing shown on the Enforcement Notice was removed in accordance with the requirements of the Enforcement Notice. No further action is proposed.
Hill House, 7 Mount Park Road, Harrow on the Hill Conversion of single family dwelling house and garage into 5 flats	ENF/775/04/P	DMC (Officer) RJP (Report)	9-November-2005	28-November-2005 (Legal Contact Officer-AK)	24-April-2006	26-May-2006	Appeal lodged	3 Months	26-August-2006	Section 330 notice served on 10-January-2006 Appeal Lodged, awaiting outcome.
67 Argyle Road, Harrow Unauthorised construction of a raised rear deck and railings	ENF/78/04/P	RJP (Report)	7-December-2005	9-December-2005 AK (Legal Case Officer)	6-April-2006	10-May-2006	Appeal lodged	1 Month	10-June-2006	S330 notice served 10-January-2006 Enforcement notice served. Appeal lodged, awaiting outcome.

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38 Headstone Gardens, Harrow Unauthorised construction of a single storey rear extension	ENF/1006/04/P	RJP (Report) GW (Case Officer)	7-December-05	9-December-05 (Legal Contact Officer-CML)	13-February-2006	17-March-2006	5-September-2006, enforcement notice varied but upheld on 15 th September 2006	6 months (as varied on appeal)	15 th March 2007 (as varied on appeal)	S330 Notice served on 19-December-2005 Appeal lodged and dismissed but period for compliance extended from three months to six months.
31 Northumberland Road, North Harrow. Front and rear extensions	ENF/425/05/P	FS (Report) AB (Case Officer)	15-Mar-06	17-Mar-06 CML (Legal Case Officer)	1-June-2006	3-August-2006	Appeal lodged – awaiting hearing date.	3 Months	3-November-2006	S330 notice served 9-May-2006. Appeal lodged. Council's statement submitted on 27 th September 2006, awaiting hearing date.
1 Wildcroft Gardens, Edgware Unauthorised construction of gates, walls, railings and pillars	ENF/700/04/P	RJP (Report)	11-January-06	23-January-06 (Case Officer-SC)	7-June-2006	19-July-2006	Appeal lodged	1 Month	19-August-2006	S330 Notice served on 17 February 2006. Appeal lodged.
108 Waxwell Lane, Pinner Unauthorised construction of a raised rear deck and trellis	ENF/647/04/P	RJP (Report)	7-December-05	9-December-05 CML (Legal Contact Officer)	20-April-2006	24-May-2006		2 Months	24-July-2006	S330 Notice served 10-January-2006. Needs to be allocated to new Case Officer to establish if compliance secured.
16A Whitchurch Lane, Kenton Unauthorised installation of gantry	ENF/502/04/P	DMc (Officer) RJP (Report)	7-December-05	9-December-05 (Legal Contact Officer-DG)	24-April-2006	5-June-2006	Appeal Lodged	1 Month	5-July-2006	Section 330 served on 22 December-05 Appeal Lodged on grounds (a), (c), (f) and (g), awaiting outcome.
19 Victoria Terrace, Harrow on the Hill Unauthorised installation of two rear windows in north elevation of dwellinghouse	ENF/809/04/P	RJP (Report) DMC (Case Officer)	8-February-06	23-Feb-06 06-Mar-06 SC (Legal Case Officer)	16-June-2006	26-July-2006	Appeal Lodged	3 Months	26-October-2006	S330 notice served 6-April-2006 Appeal Lodged.

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147 Roxeth Green Avenue, Harrow Unauthorised construction of a rear extension at the rear of the dwellinghouse	ENF/731/04/P	RJP (Report) RJP (Case Officer)	8-February-06	23-Feb-06 06-Mar-06 SC (Legal Case Officer)	16-June-2006	26-July-2006		3 Months	26-October-2006	Site visit to be undertaken after 26 th October 2006.
127a and 127b Ruskin Gardens, Harrow Unauthorised change of use from four flats to a mixed use, comprising of builders yard, four flats, business in the storage of commercial vehicles and the construction of a fence.	ENF/432/03/P	DMC (Case Officer) RJP (Report)	15-Mar-06	17-Mar-06 AK (Legal Case Officer)	22-June-2006	2-September-2006		3 Months	2-November-2006	S330 notice served 6-April-2006. Site visit to be undertaken after 2 nd November 2006.
190 Whittington Way, Pinner Unauthorised construction of a single storey rear extension	ENF/94/04/P	RJP (Report)	15-Mar-06	17-Mar-06 SY (Legal Case Officer)	29-June-2006	30-July-2006	Appeal lodged on grounds (a), (d) and (f).	3 Months	30-October-2006	Appeal lodged on grounds (a), (d) and (f), awaiting date of public inquiry
63 College Road, Harrow Weald Unauthorised construction of a detached garden building in the rear garden	ENF/159/05/P	RJP (Report) GW (Case Officer)	8-February-06	23-Feb-06 06-MAR-06 CML (Legal Case Officer)	25-August-2006	24-September-2006		3 Months	23-December-2006	S330 notice served 29-Mar-06
65 Langland Crescent, Harrow Unauthorised construction of a rear canopy	ENF/668/03/P	RJP (Report) RJP (Case Officer)	7-June-2006	19-June-2006 CML (Legal Case Officer)	25-August-2006	24-September-2006		1 Month	23-October-2006	S330 notice served 20-July-06. Although the translucent roof of the structure has been removed the frame remains in place and this needs to be removed.
1 Wynlie Gardens, Pinner Unauthorised use of outbuilding within curtilage of dwellinghouse as separate residential unitingle family dwellinghouse	ENF/118/05/P	RJP (Report)	11-April-2006	18-April-2006 AK (Legal Case Officer)	25-August-2006	5-October-2006		3 Months	5-January-2007	S330 Notice served 21-June-2006

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PROSECUTIONS FOR UNLAWFUL ADVERTISEMENTS

ENFORCEMENT NOTICES AUTHORISED, AWAITING SERVICE

Harrow Hospital 88 Roxeth Hill Harrow		GDM	9- November -04	(Legal Contact Officer- DG)						New report required.
Erection of sales building 613 Kenton Lane, Kenton	ENF/373/05/P ENF/402/05/P	RJP (report)	6-June-05	30-June-05						S330 notices served on 7 Sept 05 and 11 Oct 05. Draft notice prepared. Appeal submitted. Appeal reference 3358 allowed subject to conditions 17 January 2006. Enforcement Officer to monitor file to ensure compliance.
High Barn, Pinner Hill Farm, 160 Pinner Hill Road, Pinner	ENF/379/04/P	RJP (Report) DMC (Case officer)	11- January- 06	23- January- 06						S330 notice served 24-April-2006
Unauthorised change of use from Class B1 to Class A1				SC (Legal Case Officer)						
Ravensholt, 12 Mount Park Road, Harrow on the Hill	ENF/353/03/P	RJP (Report) RJP (Case Officer)	28-June-206	4-July-2006						
Unauthorised erection of a wire fence with concrete posts and reed panelling										
Land to the rear of 48 The Avenue, Harrow Weald.		DM/c (Officer)	08-Feb-06	23-Feb-06 06-Mar-06						
S215 Notice		RJP (Report)		CML (Legal Case Officer)						
462 Honeypot Lane, Stanmore	ENF/619/04/P	RJP	15-Mar-06	17-Mar-06						S330 notice served 6-April-2006

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Unauthorised construction of a single storey rear extension		(Report) DMC (Case Officer)		CML (Legal Case Officer)						
Land at rear of 540 Uxbridge Road, Hatch End	ENF/352/05/P	AB2 (Case officer)	15-Mar-06	20-Mar-06						S330 notice served 12-April-2006 Portacabin removed but the hardsurfacing and fencing still remains onsite. Case Officer to monitor situation.
Unauthorised stationing of a portacabin		RJP (Report)		CML (Legal Case Officer)						
Rear of 62-72 Orchard Grove, Harrow	ENF/117/04/P	DMC (Case Officer)	15-Mar-06	17-Mar-06						S330 Notice served 22-June-2006
Unauthorised change of use from a service road to a builders yard and the erection of a pole with a CCTV camera		RJP (Report)		AK (Legal Case Officer)						
7 Sancroft Road, Harrow	ENF/236/04/P	RJP (Report)	11-April-2006	18-April-2006						S330 Notice served 9-May-2006
Unauthorised construction of a single storey side to rear and front extension and decking				CML (Legal Case Officer)						
7 Lansdowne Road, Stanmore	ENF/46/04/P	RJP (Report)	7-June-2006	19-June-2006						
Unauthorised single storey rear canopy		RJP (Case Officer)		CML (Legal Case Officer)						
32 Rusland Park Road, Harrow	ENF/429/04/P	RJP (Report)	7-June-2006	19-June-2006						
Unauthorised construction of a two/three storey side to rear, single storey front to side extension and rear dormer				SFC (Legal Case Officer)						
341A Northolt Road, South Harrow	ENF/272/04/P	RJP (Report)	7-June-2006	19-June-2006						
Unauthorised construction of a first floor rear extension				SFC (Legal Case Officer)						

ENFORCEMENT NOTICES AWAITING COMPLIANCE 17th OCTOBER 2006

ENFORCEMENT NOTICES AWAITING COMPLIANCE 17 th OCTOBER 2006										
ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
71 Bouverie Road, Harrow Unauthorised side outbuilding forward of the building line abutting the highway	ENF/788/04/P	DMC (Report) DMC (Case Officer)	7-June-2006	19-June-2006 SFC (Legal Case Officer)						
9 Green Lane Cottages Unauthorised erection of a satellite dish on a grade II listed building	ENF/536/05/P	RJP (Report) DMC (Case Officer)	28-June-2006	4-July-2006						
16 Carmelite Road, Harrow Weald Unauthorised conversion of a garage to a dwellinghouse	ENF/20/05/P	RJP (Report) RJP (Case Officer)	28-June-2006	4-July-2006						
14 Roxeth Green Avenue, Harrow Unauthorised construction of a rear extension	ENF/744/05/P	RJP (Report) MHX (Case Officer)	28-June-2006	4-July-2006						
60 Ennerdale Avenue, Harrow Unauthorised extension of a dwellinghouse, including the construction hip to gable, a rear dormer roof extensions, single and two-storey side to rear, single storey extensions	ENF/131/05/P	DMC (Report) DMC (Case Officer)	26-July-2006							
44 Harley Crescent, Harrow Unauthorised construction of a rear raised patio and flank boundary walls 2.6 metres in height	ENF/137/04/P	RJP (Report) RJP (Case Officer)	26-July-2006							
19 Woodhall Gate, Pinner Unauthorised installation of hard surfacing at the front of the dwellinghouse	ENF/839/04/P	RJP (Report) GW (Case Officer)	26-July-2006							

ENFORCEMENT NOTICES AWAITING COMPLIANCE 17th OCTOBER 2006

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
Golds Gym, 1 Sheepcote Road, Harrow Plant and ducting on southern and eastern elevations of Listed Building		DMC (Case Officer)	6 th September 2006							

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Meeting:	Development Control Committee
Date:	Tuesday 17 October 2006
Subject:	46 Howberry Road, Edgware
Key Decision: (Executive-side only)	No
Responsible Officer:	Andy Parsons, Head of Planning
Portfolio Holder:	Councillor Marilyn Ashton
Exempt:	Part 1
Enclosures:	1:1250 OS Site Plan Photograph of front extension taken from junction of Howberry Road / Cloyster Wood

SECTION 1 – SUMMARY AND RECOMMENDATIONS

This report relates to the construction, without planning permission, of a front extension to an existing detached garage within the curtilage of this semi-detached dwellinghouse, located on a corner plot at the junction of Howberry Road and Cloyster Wood.

This extension was erected as a consequence of incorrect verbal advice provided by a planning officer. Planning permission is required as it is closer to a highway than the original dwellinghouse.

Having regard to the provisions of the Unitary Development Plan, and all other material planning considerations, including the circumstances surrounding the construction of the front extension, it is considered that it would not be expedient in this particular case to take enforcement action, and accordingly no further action should be taken

RECOMMENDATIONS:

Having regard to the provisions of the Unitary Development Plan and all other material planning considerations (in accordance with Section 172 of the Town and Country Planning Act 1990 (as amended)), no further action be taken in respect of the unauthorised front extension to the existing garage within the curtilage of 46 Howberry Road, Edgware.

REASON: *(For recommendation - Executive-side reports only)*

SECTION 2 - REPORT

Brief History, Policy Context (Including Previous Decisions)

- 2.1 Although there are a number of previous planning applications have been granted in respect of extensions to this property, none of these permissions have been implemented within the relevant time period.
- 2.2 However, planning permission was granted in August 1957 for a detached garage close to the eastern boundary of the site, and that permission was implemented. It is an extension to that garage that is the subject of this report.

Background Information and Options Considered

- 2.3 46 Howberry Road is a two-storey semi-detached dwellinghouse sited on a corner plot. The western and southern boundaries of the curtilage of the site are adjacent to the roundabout junction of two highways, Howberry Road and Cloyster Wood. The surrounding area is predominantly residential and consists of semi-detached houses all of a similar style and age.
- 2.4 The site has previously been added to by way of the erection of a flat roof brick-built detached garage, suitable for the parking of one car, located close to the western boundary of the site adjacent to No. 6 Cloyster Wood, and sited approximately 7 metres from the back edge of the pavement.
- 2.5 In April 2004, it was reported to the Planning Enforcement Team from an employee of another Council department that the existing garage was being extended by way of a front extension.
- 2.6 Subsequent enforcement investigations established that an extension to the existing garage, projecting from the front of the existing garage to the boundary of the site with Cloyster Wood, and the same width as the existing garage, was being carried out. The garage extension has now been completed to roof level. The extension has been constructed out of un-rendered breeze block with a flat roof slightly below the height of the existing garage.
- 2.8 Planning permission, which has not been sought at the time of writing, is required for the erection of this garage extension as it is closer to the highway known as Cloyster Wood, which bounds the southern boundary of the site, than the original dwellinghouse, and therefore does not constitute permitted development under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 2.9 As a result of written correspondence between the owner of the site and the Council, it has been established that prior to the commencement of any works on the garage extension the owner emailed the Council seeking advice as to whether or not planning permission would be required for the work.
- 2.10 A Planning Officer sent a response to the owner by email directing the owner to an independent website which set out permitted development rights. Regrettably, this

website did not state that if the garage extension was closer to any highway bounding the curtilage of the site than the original dwellinghouse, planning permission would be required. The owner then spoke to another Planning Officer at Harrow who confirmed verbally that planning permission was not required.

- 2.11 Consequently the owner, believing the information on the independent website that he had been directed to by a Planning Officer, and the further verbal advice, commenced building works on the garage extension. Subsequently, a complaint about the building works was received from a Highways Officer. No complaints have been received from neighbouring residents.
- 2.12 Despite writing to the owner and requesting that a retrospective planning application be submitted for the retention of the garage extension, at the time of writing no such application has been submitted and accordingly the owner has been advised that the matter was to be referred to the Development Control Committee for further consideration.
- 2.13 In terms of the legal position, technically the Council is not prevented from taking formal enforcement action as the contents of an email, telephone conversation or letter do not, in planning law, constitute a formal determination as to whether or not planning permission is required. Nevertheless, it is a fact that the work has only been carried out following incorrect from the website to which the owner was referred, and incorrect Harrow Planning officer advice.
- 2.14 On the issue of provision of advice by Officers, to avoid a repetition of this unfortunate situation, all Development Control staff have been instructed not to refer any informal enquiries to the independent website, and to advise all persons seeking to determine the need for planning permission of the mechanism to seek a Certificate of Lawful Development.
- 2.15 It should be noted that there is no uniform front building line along Cloyster Wood. The adjacent property, No. 6 Cloyster Wood, has a single storey side extension, abutting the original garage at 46 Howberry Road. No.4 Cloyster Wood, which lies to the east of the site, also has a front extension to the original dwellinghouse and a garage that is sited to the front of that dwellinghouse.
- 2.16 It could be argued that the garage extension that is the subject of this report is not entirely out of keeping with the surrounding streetscene.
- 2.17 Given the particular circumstances surrounding the erection of this unauthorised front extension, the Committee may consider that it would be expedient to take no further action in this particular case.

The alleged breach of planning control

- 2.18 Without planning permission, the erection of a front extension to an existing detached outbuilding within the curtilage of a dwellinghouse, closer to a highway bounding the curtilage of that dwellinghouse than the original dwellinghouse.

Consultation

- 2.19 - Ward Councillors copied for information
- Harrow Council Legal Services
- Harrow Council Financial Services

Financial Implications

- 2.20 If an appeal against an enforcement notice is upheld any subsequent complaint to the Local Government Ombudsman that finds maladministration is likely to result in an award of compensation to the owner of the property, based on, inter alia, the cost of the abortive work.

Legal Implications

- 2.21 The Council may issue an enforcement notice where it appears that there has been a breach of planning control and it is expedient to issue a notice, having regard to the provisions of the development plan and other material considerations. Policy I4 of the development plan sets out the situations in which the council will take enforcement action. The fact that a person may complain to the Ombudsman and seek compensation if enforcement action is taken is not a relevant consideration.

Equalities Impact

- 2.22 None for the purposes of this report.

Section 17 Crime and Disorder Act 1998 Considerations

- 2.23 None for the purposes of this report.

SECTION 3 - STATUTORY OFFICER CLEARANCE

Chief Finance Officer	<input checked="" type="checkbox"/>	Name: Anil Nagpal Date: 4 October 2006.
Monitoring Officer	<input checked="" type="checkbox"/>	Name: David Galpin Date: 4 October 2006

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Frank Stocks, ext. 6144

Background Papers:

None

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	YES/ NO
2.	Corporate Priorities	YES / NO
3.	Manifesto Pledge Reference Number	N/A

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CLOYSTER WOOD

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London Borough of Harrow 100019206

Date 02/10/2006

Scale: 1:500

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