

Meeting:	Development Control Committee
Date:	Tuesday 17 May 2005
Subject:	61 Oxley Road, Rayners Lane
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More, Enforcement Manager
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan
Key Decision:	No
Status	Part 1

### **Section 1: Summary**

This report is in relation to unauthorised alterations to a terraced dwellinghouse, including the construction of a rear single storey extension. To constitute permitted development the maximum additional volume that may be added to this property is 50 cubic metres.

On this occasion the development does not constitute permitted development as the total additional volume exceeds 50 cubic metres. It is considered that the development does cause material detriment to the surrounding neighbours and also impact upon the amenity of the local area. It is therefore recommended that an Enforcement Notice be served.

### **Decision Required**

#### **Recommended (for decision by the Development Control Committee)**

The Director of Legal Services be authorised to:

- (a) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
- (b) (i) Demolish the rear single storey extension  
(ii) Permanently remove their constituent elements from the land.
- (c) [(b)] (i) and (ii) should be complied with within a period of six (6) months from

the date on which the Notice takes effect.

(d) Issue Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.

(e) Institute legal proceedings in event of failure to:

(i) supply the information required by the Borough through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;

and/or

(ii) comply with the Enforcement Notice

### **Reason for report**

To ensure that the alleged breach of planning control is removed in the interests of amenity.

### **Benefits**

To enhance the environment of the Borough.

### **Cost of Proposals**

None at this stage.

### **Risks**

Any enforcement notice may be appealed to the Planning Inspectorate.

### **Implications if recommendations rejected**

Failure to take action would mean that the amenities of the neighbouring residents would continue to be harmed.

## **Section 2: Report**

### **Brief History, Policy Context (Including Previous Decisions)**

2.1 Planning permission was not sought for the single storey rear extension. There is no planning history for the property.

### **Relevance to Corporate Priorities**

2.2 This report addresses the Council's stated priority of enhancing the environment of the borough.

## Background Information and Options Considered

2.3 The property is an end of terrace single-family dwellinghouse located on the northern side of Oxleay Road.

2.4 There is an existing outbuilding located more than 5 metres from the dwelling on the north side of the property. The single storey rear extension located to the rear of the dwelling has external measurements of; 2.75 metres (height) x 4.17 metres (depth) x 5.62 metres (width) with a total volume of 64.45 cubic metres which exceeds the cubic content of 50 cubic metres available to constitute permitted development on this occasion. The extension is sited adjacent to the boundary with no: 63 Oxleay Road.

2.5 Policy D4 of the Unitary Development Plan 2004 states: -

“The Council will expect a high standard of design and layout in all development proposals. The following factors will be taken into account when considering planning applications for development:-

- a) Site and setting;
- b) Content, scale and character;
- c) Public realm;
- d) Energy efficiency, renewable energy, sustainable design and construction;
- e) Layout, access and movement;
- f) Safety
- g) Landscape and open space; and
- h) Adequate refuse storage.”

2.6 These policies are reinforced in the more general Policy, SD1 *Quality of Design* of the Unitary Development Plan 2004.

2.7 Section C of the Harrow Council's Supplementary Planning Guidance SPG) *Extensions: A householders guide* states: -

“C1 Rear extensions have the greatest potential for harm to the amenities of neighbouring residents. Their impact on neighbouring property and the character and pattern of development needs careful consideration. Rear extensions should be designed to respect the character and size of the house and should not cause unreasonable loss of amenity to neighbouring residents.

C3 This distance should be limited to 2.4 metres on a terraced house (a row of 3 or more houses), whether this is in the middle or end of the terrace. Generally, the acceptable depth of the extensions will be determined by:

- Site considerations
- The scale of development
- Impact on the amenity of neighbouring residents
- The established character of the area and the pattern of development

2.8 The size and bulk of the rear extension exceed the Council's above stated guidelines. In particular the extension has a harmful effect on the amenity

of local neighbours. It significantly alters the appearance of the house and therefore does not compliment the character and pattern of development in the area in relation to SPG C1.

- 2.9 The rear extension does not meet with the design guidelines of the SPG in that its depth is 4.17 metres contrary to SPG C3, which allows a maximum depth of 2.4 metres for such extensions. Its size and bulk are out of character with the dwellinghouse extensions in the area, and it has a detrimental effect on the habitable room window of the adjacent property.
- 2.10 It is considered that significant harm is caused by this development; therefore, it is recommended that a planning enforcement notice be issued.

### **The alleged breach of planning control**

2.11 Without planning permission, the erection of a single storey rear extension.

### **Reasons for issuing the notice**

- 2.12 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 2.13 The single storey rear extension, by reason of its size, sitting and awkward design, is unduly bulky, overbearing and obtrusive, resulting in loss of space around the building to the detriment of the amenities of neighbouring occupiers and the character of the area, contrary to policy D4 of the Harrow Council Unitary Development Plan 2004 and Supplementary Planning Guidance "Extensions, A Householders Guide" C1 and C3.
- 2.14 The council do not consider that planning permission should be granted because planning conditions cannot overcome these problems.

### **Consultation with Ward Councillors**

Copied for information.

### **Financial Implications**

None.

### **Legal Implications**

Contained in the report.

### **Equalities Impact**

None.

### **Section 3: Supporting Information/ Background Documents**

None