

Meeting:	Development Control Committee
Date:	Tuesday 17 May 2005
Subject:	35 Orchard Grove Edgware
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 semi-detached dwelling, including the erection of a rear dormer. To constitute permitted development the maximum additional volume that may be added to this property is 70 cubic metres.

On this occasion the development does not constitute permitted development as the total additional volume exceeds 70 cubic metres. It is considered that the development does cause material detriment to the surrounding neighbours and also impacts 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 dormer
- (ii) demolish the hip to gable extension
- (iii) permanently remove their constituent elements from the land.

(c) [(b)] (i) (ii) and (iii) 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 Certificate of lawfulness (P/1655/03/DCP) was submitted proposing alterations to the roof, including an end gable and a rear dormer. The Certificate

of Lawfulness was approved on 8 September 2003. The approved plans do not correspond with the development that has been provided.

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 a semi-detached single-family dwellinghouse located on the western side of Orchard Grove.

2.4 An existing garage located to the north of the dwelling when taken together with the dormer extension exceeds the available additional permitted development cubic content of 70 cubic metres.

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 This policy is reinforced in the more general Policy, SD1 *Quality of Design* of the Unitary Development Plan 2004.

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

"D1 The roof form of a house is a significant part of the character of the area. Alterations may significantly alter the appearance of a house and their effect on the roof form needs careful consideration. Roof alterations and dormer windows should complement the original street character and not dominate buildings or impair their proportions or character.

D3 Generally, dormers should be subordinate features in the roof, should not overlap or wrap around the roof hips, and should never rise above the ridge. The retention of a clearly visible section of roof around the sides of a dormer window, including the upper corners, has the effect of visually containing them within the profile of the roof.

D5 In order to reduce its visual impact, such a rear dormer should be set in at least 1000mm from the edge (or verge) of the roof and 500mm from a shared (party) wall, and set back at least 1000mm above the roof eaves, measured externally along the roof slope."

2.8 The size and bulk of the dormer and roof extension exceed the Council's above stated guidelines, in particular the level of the roof ridge-line has been elevated and therefore significantly alters the appearance of the house and therefore does not compliment the original street character. Also, the dormer does not meet with the design guidelines of the SPG. In particular the dormer does not meet the recommended setbacks at the side, rear and top of the development.

2.9 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

2.10 Without planning permission, the erection of hip to gable and rear roof extensions.

Reasons for issuing the notice

2.11 It appears to the Council that the above breach of planning control occurred within the last 4 years.

The roof extension, by reason of its size, siting and awkward design, is unduly bulky, overbearing and obtrusive, resulting in loss of space about the building to the detriment of the amenities of neighbouring occupiers and the character of the locality, contrary to policy D4 of the Harrow Council Unitary Development Plan 2004 and Supplementary Planning Guidance "Extensions, A Householders Guide" Sections D1, D3 and D5.

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

Included in the report.

Equalities Impact

None.

Section 3: Supporting Information/ Background Documents

Planning application references:

P/1655/03/DCP