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| Meeting: | Development Control Committee |
| Date: | 27 July 2005 |
| Subject: | 22 Walton Road, Harrow |
| Responsible Officer: | Group Manager Planning and Development |
| Contact Officer: | Glen More |
| Portfolio Holder: | Planning, Development and Housing |
| Enclosures: | Site Plan |
| Key Decision: | No |
| Status | Part 1 |

Section 1: Summary

This report relates to the unauthorised alteration of a two storey terraced dwelling at 22 Walton Road, Harrow, including the erection of a single storey rear extension and front porch and seeks authority to initiate enforcement action for their removal.

On this occasion the development does not constitute permitted development as the total additional volume exceeds 50 cubic metres. It is considered that the rear extension by reason of its excessive bulk and projection, is unduly obtrusive, resulting in a loss of light and overshadowing which is detrimental to the visual and residential amenities of the occupiers of the adjacent property. The front extension as built, by reason of excessive bulk and prominent siting, is unduly obtrusive in the streetscene and detrimental to the visual and residential amenities of the occupiers of the adjacent properties and impacts on the character of the locality. It is 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 single storey rear extension
(ii) Demolish the front porch extension
(iii) Permanently remove their constituent elements from the land.
- (c) [(b)] (i) (ii) and (iii) should be complied with within a period of three (3) 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 ceased 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)

- 2.1.1 A Planning application (P/2999/03/DFU) was submitted proposing a single storey rear extension and front porch. The planning application was refused.

Relevance to Corporate Priorities

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

Background Information and Options Considered

- 2.4 The property is located on the western side of Walton Road and comprises a two storey terraced dwelling.
- 2.5 Policy D4 of the Unitary Development Plan 2004 states:-

New Residential Development Should:-

“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 Policy D5 of the Unitary Development Plan 2004 states:-

A) Provide amenity space which is sufficient:-

1. To protect the privacy and amenity of occupiers of surrounding buildings;
2. As a usable amenity area for the occupiers of the development; and
3. As a visual amenity

B) Maintain adequate separation between buildings and distance to site boundaries in order to protect the privacy and amenity of occupiers of existing and proposed new adjoining dwellings. Proposals should provide space around buildings to reflect the setting of neighbouring buildings; and

C) Ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded.

2.8 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 A single storey rearward projection, adjacent to a boundary should be limited to 2.4 metres on a terraced house.

C5 Where a greater depth is acceptable the additional element should be set away from the boundary with an attached dwelling by twice the amount of additional depth.

C7 The height of single storey rear extensions should be minimised to restrict the impact on the amenities of neighbouring residents. Subject to site considerations, the finished height of an extension abutting a residential boundary should be a maximum of 3 metres on the boundary for a flat roof, and for a pitched roof 3 metres at the mid-point of the pitch at the site boundary.

2.9 The single storey rear extension extends to 3.4 metres from the dwelling with a height at the midpoint of 3.29 metres. The two adjoining terraced dwellings have not been extended to the rear and therefore no precedent has been set in relation to the depth of extensions.

3.0 The single storey rear extension, due to its depth, would be obtrusively visible from the neighbouring dwellings and, therefore, detracts from the amenity enjoyed by the occupants of adjacent dwellings.

The extension exceeds the 50 cubic metres allowed under permitted development. The extension has a total volume of 55.08 cubic metres and therefore in order for the structure to meet the requirements of permitted development, the volume of the extension would have to be reduced by over 5 cubic metres.

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

A1 Front extensions have the greatest potential impact on the character and visual amenity of the street scene. They should reflect the pattern of development in the street scene.

3.2 The front porch has a depth of 1.2 metres and a width of 2.9 metres. The porch has a overall area of over 3 metres squared and therefore requires planning permission.

- 3.3 The front porch, due to its size, is visually prominent as it extends across the full width of the front of the dwelling and therefore detracts from the street scene.

The alleged breach of planning control

- 3.4 Without planning permission, the erection of a single storey rear extension and front porch.

Reasons for issuing the notice

- 3.5 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.6 Single storey rear extension and front porch extension, by reason of their size, siting and awkward design, are 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 policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004 and Supplementary Planning Guidance "Extensions, A Householders Guide".
- 3.7 The Council do not consider that planning permission should be granted because planning conditions could not overcome these problems

Consultation with Ward Councillors

- 3.8 Copied for information

Financial Implications

- 3.9 None.

Legal Implications

- 3.10 As contained in the report.

Equalities Impact

- 3.11 None.

Section 3: Supporting Information/ Background Documents

Planning application references:

P/2999/04/DFU