

Meeting:	Development Control Committee
Date:	27 July 2005
Subject:	2 Weald Lane, Harrow Weald
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 installation of an extractor duct at the rear of the property and seeks authority to initiate enforcement action for its removal. The ground floor of the property is a take-away shop (class A5), above which are flats on two floors, with entrances via a rear deck accessway. The duct runs from the accessway, up the wall of the flats, discharging over the roof.

The design, size and positioning of the duct is such that the duct is detrimental to the amenity of the residents of nearby flats, and the general amenity of the area.

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) Demolition of the rear extractor duct
(ii) Permanently remove its constituent elements from the land.
- (c) [(b)] (i) and (ii) 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 Planning permission for change of use: from retail to hot food takeaway (A1 to A3), reference P/542/03/CFU was granted on 11th August 2003.

Condition 3 of the above consent states the development shall not commence until details of any external works required for ventilation and fume extraction have been submitted to, and approved in writing by, the local planning authority. The use shall not commence until those external works have been completed in accordance with the approved plans. The works shall thereafter be retained in that form.

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 comprises of a ground floor takeaway business with flats above, situated at the junction of Weald Lane and High Road, Harrow Weald.

- 2.4 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) Context, 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."

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

- 2.6 In relation to Policy D4, The Harrow Council Unitary Development Plan 2004 Indicates: -

Site and Setting

"New development should contribute to the creation of a positive identity for the area through quality of building layout and design. Development should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces. "

Context, Scale and Character

"All new development should have regard to the scale and character of the surrounding environment and should be appropriate in relation to other buildings adjoining and in the street. Buildings should respect the form, massing, composition, proportion, and materials of the surrounding townscape, and attention should be paid to the urban "grain" of the area in terms of building form and patterns of development."

- 2.7 In particular the duct and fan unit have a detrimental impact on the visual amenity of residents of the first floor flats in the immediate area. These

properties have deck access to the rear and are of common plain materials.

- 2.8 The duct and fan unit are of galvanised metal of substantial size running through the access deck and up the rear wall and roof slope of the property. Their size, location and materials make them an alien feature in the environment.
- 2.9 The extractor duct does not comply with the Council's above stated policy. In particular it's size and location is detrimental to the visual amenity of the local area and its positioning and size is detrimental to the amenities of the residents of the flats on the first floor.

3.0 The alleged breach of planning control

- 3.1 Without planning permission, the installation of extractor duct.

4.0 Reasons for issuing the notice

- 4.1 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 4.2 The extractor duct, by reason of its size and siting, is unduly bulky, overbearing and obtrusive, 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.
- 4.3 The council do not consider that planning permission should be granted because planning conditions cannot overcome these problems.

5.0 Consultation with Ward Councillors

- 5.1 The ward Councillors have been advised of the proposed action.

6.0 Financial Implications

- 6.1 None

7.0 Legal Implications

- 7.1 See risk section

8.0 Equalities Impact

- 8.1 None.

Section 3: Supporting Information/ Background Documents

Planning application reference: P/542/03/CFU