

Meeting:	Development Control Committee
Date:	7 September 2005
Subject:	1 and 1A Buckingham 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 is in relation to the unauthorised construction of an out building at the rear of a hot food take-away and minicab business.

The development due to its excessive bulk and height would be unduly obtrusive and detrimental to the visual amenities of the occupiers of the adjacent property. It is therefore recommended that an Enforcement Notice be served to secure its removal.

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 outbuilding
(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 Director of Legal Services 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 occupiers properties would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

2.1 Planning permission reference P/1206/04/DCO for the retention of the single storey building at the rear for use ancillary to the take-away unit, was refused on 29th July 2004.

Planning application reference P/2111/04/DCO for retention of single storey building at rear for use ancillary to take-away unit (revised), was refused on 28th September 2004.

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 two properties are the two end units in a short row of mixed-use properties the northern side of Buckingham Road, near the junction with Whitchurch Parade, Whitchurch Lane.
- 2.4 The building abuts the boundary of the neighbouring residential property at 3A/B Buckingham Road (flats) and the rear of commercial properties in Whitchurch Lane.
- 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 In relation to Policy D4, The Harrow Council Unitary Development Plan 2004 indicates:

4.10 Site and Setting

"New development should contribute to the creation of a 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."

4.11 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.”

- 2.8 The development is contrary to the above stated policies, in particular D4, by reason of its excessive size, bulk and height adjacent to the boundary. These factors make the development unduly obtrusive, resulting in loss of light, and would be detrimental to the visual and residential amenities of the occupiers of the adjacent properties at the rear and side.
- 2.9 The development also is harmful to the amenity of tenants of the flat on the ground floor flat on the adjacent property (no. 3a). The buildings excessive height adjacent to the boundary results in it restricting light to the ground floor flat which has protected windows in its rear elevation.
- 3.0 It is considered that significant harm is caused by this development; therefore, it is recommended that a planning enforcement notice be issued.

3.1 The alleged breach of planning control

Without planning permission, the erection of a single storey building.

3.2 Reasons for issuing the notice

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

The single storey outbuilding, by reason of its size, siting 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 locality, contrary to policies SD1 and D4 of the Harrow Council Unitary Development Plan 2004.

The council do not consider that planning permission should be granted because planning conditions could overcome these problems.

3.3 Consultation with Ward Councillors

Copied for information

3.4 Financial Implications

There are no financial implications at this stage

3.5 Legal Implications

As contained in the report

3.6 Equalities Impact

None.

Section 3: Supporting Information/ Background Documents

P/1206/04/DCO Retention of the single storey building at rear for use ancillary to take-away unit.

P/2111/04/DCO Retention of single storey building at rear for use ancillary to take-away unit (revised).