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| Meeting: | Development Control Committee |
| Date: | 7 September 2005 |
| Subject: | 47 Turner Road, Edgware |
| Responsible Officer: | Group Manager Planning and Development Services |
| 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 unauthorised alterations to a dwelling house, including the erection of a single storey side and rear 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 by reason of excessive size, bulk and rearward projection and prominent siting is unduly obtrusive, gives rise to loss of light and is detrimental to visual and residential amenities of the occupiers of the adjacent properties and the character of the locality. 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 covered walkway side and rear conservatory extensions
- (ii) Permanently remove their 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 Retrospective planning permission P/1012/05/DCO for the retention of single storey extension, covered walkway and rear conservatory with new flank wall to conservatory was refused 1 July 2005.

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 dwelling house located on the western side of Turner Road.

- 2.4 There is an existing 3.3 metre deep flat roofed single storey rear extension. The existing rear conservatory extends 4.2 metres along the property's chamfered boundary with number 45 Turner Road and is 3 metres in height, bring the total depth of extensions at the property along the boundary of number 45 to 7.5 metres when including the existing single storey rear extension.

- 2.5 The covered walkway extends 10.4 metres along the property's chamfered boundary with number 49 Turner Road. The walkway is a maximum of 2.7 metres high at the edge of its mono pitched roof along the boundary. It is located to the north of, and is attached to, the existing single storey rear extension and the conservatory.

- 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."

Policy D5 of the Unitary Development Plan 2004 states: -

New residential development should:-

- 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.

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

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

B1 Side extensions have considerable potential for harm to the amenities of adjacent residents and impact on the street scene, and should therefore reflect the pattern of development in the street scene. The visual impact of side extensions, particularly first floor and two storey, will be assessed against the pattern of development in the immediate locality, and the potential to dominate the appearance of the street scene.

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 rear conservatory, by reason of excessive size, bulk, rearward projection and prominent siting are unduly obtrusive, give rise to loss of light and are detrimental to visual and residential amenities of the occupiers of the adjacent properties and the character of the locality.

2.9 The covered walkway by reason of its excessive size, bulk has an effect on the visual and residential amenities of the neighbouring properties. It is deemed to be obtrusive with regards to the neighbouring occupiers to the detriment of their visual and residential amenities, as well as being an over development which is out of character with the area.

3.0 The development is contrary to the above stated policies and guidelines in these terms. 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 covered side walkway and single storey rear conservatory.

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 rear conservatory, by reason of excessive size, bulk, rearward projection and prominent siting are unduly obtrusive, gives rise to loss of light and is detrimental to the visual and residential amenities of the occupiers of the adjacent properties and the character of the locality., contrary to policies D4, D5, SD1 of the Harrow Council Unitary Development Plan 2004 and Supplementary Planning Guidance "Extensions, a householders guide" B1, C1 and C3.

The covered walkway, by reason of excessive size, bulk and rearward projection is unduly obtrusive, and detrimental to the visual and residential amenities of the occupiers of the adjacent properties, and the character of the locality, contrary to policies D4, D5, SD1 of the Harrow Council Unitary Development Plan 2004 and Supplementary Planning Guidance "Extensions, a householders guide" B1

The council do not consider that planning permission should be granted because planning conditions cannot 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

A contained in the report

3.6 Equalities Impact

None

Section 3: Supporting Information/ Background Documents

P/1012/05/DCO Retention of single storey side extension, covered walkway and rear conservatory with new flank wall to conservatory.