

Meeting:	Development Control Committee
Date:	7 December 2005
Subject:	16A Whitchurch Lane, Edgware
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 installation of a metal gantry at the rear of 16A Whitchurch Lane, Edgware. The metal gantry is positioned on an end of terrace flank wall, and is approximately 6.20 metres long, 2 metres wide and fastened below a 48 sheet advertising hoarding.

The metal gantry as constructed, by reason of excessive size and bulk and prominent siting, is unduly obtrusive and is detrimental to the visual amenity of the occupiers of the adjacent properties and the character of the area. The development is contrary to policies SD1, D4 and D6 of the Harrow Council Unitary Development Plan 2004. 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) The demolition of the gantry.  
(ii) The permanent removal of the materials arising from compliance with the first requirement (b) (i) from the land.

(c) [(b)] (i) and (ii) should be complied with within a period of one (1) month 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:

a. 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

b. 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 protect and 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 occupiers of neighbouring properties would continue to be harmed.

## **Section 2: Report**

### **Brief History, Policy Context (Including Previous Decisions)**

2.1 The gantry has been erected to aid in the maintenance of the 48-sheet advertising hoarding. The gantry is not part of the advertising hoarding and is a separate independent development.

## Background Information and Options Considered

- 2.2 The property comprises of a ground floor shop (Use Class A1) with flats above, situated on Whitchurch Lane, Edgware.
- 2.3 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.”
- 2.4 4.10 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.
- 2.5 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.
- 2.6 Policy D6 of the Unitary Development Plan 2004 states: - Development in employment areas should comply with policy D4 and take account of the design and layout of buildings, planting and hard landscaping, pedestrian and vehicular circulation, views within and into the area and the relationship to adjoining residential development.
- 2.7 4.31 All development in employment areas should be built to a high standard of design, and should not have an adverse impact on the surrounding environment or infrastructure.
- 2.8 This policy is reinforced in the more general Policy, SD1 *Quality of Design* of the Unitary Development Plan 2004.
- 2.9 The gantry is of substantial size and constructed of galvanised metal, these aspects of the development make it an alien feature in the

environment. The metal gantry has a detrimental impact on the visual amenity of the local area.

- 3.0 The positioning and size of the gantry is out of character with the surrounding environment being overbearing and obtrusive in relation to the surrounding development.
- 3.1 Overall the gantry does not provide a positive contribution to the character of the area and by virtue of the factors stated above does not comply with Policy D4 of the Harrow Unitary Development Plan 2004.

### **The alleged breach of planning control**

- 3.2 Without planning permission, the erection of a gantry.

### **Reasons for issuing the notice**

- 3.3 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.4 The metal gantry, by reason of excessive size and bulk and prominent siting, is unduly obtrusive and is detrimental to the visual amenity of the occupiers of the adjacent properties and the character of the area. The development is contrary to policies SD1, D4 and D6 of the Harrow Council Unitary Development Plan 2004.
- 3.5 The Council do not consider that planning permission should be granted because planning conditions could not overcome these problems

### **3.6 Consultation**

- Ward Councillors copied for information
- Harrow Council Environmental Health
- Harrow Council Legal Services
- Harrow Council Financial Services

### **3.7 Financial Implications**

There are no financial implications at this stage

### **3.8 Legal Implications**

As contained in the report

### **3.9 Equalities Impact**

None

## **Section 3: Supporting Information/ Background Documents**

None