

Meeting:	Development Control Committee
Date:	7 December 2005
Subject:	108 Waxwell Lane, Pinner
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 the unauthorised alteration of a dwellinghouse, including the construction of a rear deck with screen fencing.

To constitute permitted development the maximum additional volume that may be added to this property is 70 cubic metres. On this occasion the rear decking does not constitute permitted development as the total additional volume exceeds 70 cubic metres. For the screen fencing to constitute permitted development it must not exceed 2 metres in height. On this occasion the screen fencing exceeds 2 metres.

It is considered that the rear deck and screen fencing by reason of their excessive size, bulk and rearward projection and prominent siting are unduly obtrusive, and are detrimental to the 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) The demolition of the rear decking.
(ii) The demolition of the screen fencing to a height not exceeding 2 metres above ground level.
(iii) The permanent removal of the materials arising from compliance with the first (b)(i) and second (b) (ii) requirements above.
(iv) Grade the level of the land exposed by the removal of the decking to meet the natural contours of the land of the adjoining properties, and lay to turf.
- (c) [(b)] (i), (ii), (iii) and (iv) should be complied with within a period of two (2) 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 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 neighbouring occupiers properties would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

- 2.1 Retrospective application for planning permission P/2842/04/DFU for the retention of decking with fence/ trellis, was withdrawn 15 June 2005.

Background Information and Options Considered

- 2.2 The property is a detached single-family dwelling house located on the eastern side of Waxwell Lane.

- 2.3 There are existing roof and rear conservatory extensions.

- 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) 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.

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

- 2.6 The rear deck, by reason of excessive size, bulk, rearward projection and prominent siting is unduly obtrusive and is detrimental to visual and residential amenities of the occupiers of the adjacent properties and the character of the locality.
- 2.7 The screen fence by reason of its excessive size, has a detrimental effect on the visual and residential amenities of the neighbouring properties.
- 2.8 The development is contrary to the above stated policies 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.

2.9 The alleged breach of planning control

Without planning permission, the erection of a screen fence and rear deck.

3.0 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 deck and screen fencing, by reason of their excessive size, bulk, rearward projection and prominent siting are unduly obtrusive, and detrimental to the 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.

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

3.1 Consultation

Ward Councillors copied for information
Harrow Council Environmental Health
Harrow Council Legal Services
Harrow Council financial Services

3.2 Financial Implications

There are no financial implications at this stage

3.3 Legal Implications

As contained in the report

3.4 Equalities Impact

None

3.5 Section 17 Crime and Disorder Act 1998 Considerations

None

Section 3: Supporting Information/ Background Documents

Planning application: P/2842/04/DFU