

Meeting:	Development Control Committee
Date:	7 December 2005
Subject:	131 Malvern Avenue, 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 relates to the unauthorised alteration of a two storey terraced dwelling at 131 Malvern Avenue, Harrow, including the erection of a front porch and seeks authority to initiate enforcement action for its removal. The front porch, by reason of its design and siting, detracts from the appearance and proportions of the dwelling in the streetscene and is detrimental to the visual amenity and character of the area. 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) (i) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
  - (b) (i) The demolition of the front porch extension and canopy.
  - (ii) The permanent removal of the materials arising from compliance with the first requirement (b) (i) above from the land.
- [(c)] (i) (ii) 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:

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 neighbouring occupiers properties would continue to be harmed.

## **Section 2: Report**

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

2.1 Planning application P/1773/05/DFU for the retention of front porch was refused on the 27 September 2005.

### **Background Information and Options Considered**

2.2 The property is on the southern side of Malvern Avenue, Rayners Lane, Harrow. The house is a large two storey single family mid-terraced dwellinghouse.

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) 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.

This policy is reinforced in the more general Policy, SD1 Quality of Design of the Unitary Development Plan 2004.

2.4 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 Section A of the Harrow Council's Supplementary Planning Guidance (SPG) Extensions: A householders guide states: -

A1 Front extensions have the greatest potential impact on the character and visual amenity of the street scene. They should reflect the pattern of development in the street scene.

2.6 The front porch measures 1.4 metres deep and 1.85 wide; the front wall extends no further than the front of the bay window. A flank wall of the porch links into the bay window at an irregular angle, which increases the width of the extension. The extension features a hipped roof with a mid pitch of 3 metres.

2.7 The design does not comply with the Council's SPG as the porch links into the bay window. Though it is a flank elevation and not the front elevation that links in with the bay window, an irregular front to the building has been formed which is out of character of the dwelling and visually obtrusive in the street scene. The hipped roof slants away from the property undermining the symmetry and rhythm of the original house. The new roof slope is out of keeping of the original flat roofed awnings that are an established character of the street scene; this is detrimental to the visual amenity of neighbouring residences, and out of character with the street scene.

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

Without planning permission, the erection of a front porch.

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

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

The front porch extension, by reason of its design and siting, detracts from the appearance and proportions of the dwelling in the streetscene, to the detriment of the amenities of neighbouring occupiers and the character of the area, contrary to policies SD1, D4, D5 of the Harrow Council Unitary Development Plan 2004 and Supplementary Planning Guidance "Extensions, A Householders Guide".

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

## **3.0 Consultation**

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

## **3.1 Financial Implications**

There are no financial implications at this stage

## **3.2 Legal Implications**

As contained in the report

## **3.3 Equalities Impact**

None.

### **3.4 Section 17 Crime and Disorder Act 1998 Considerations**

None.

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

P/1773/05/DFU: Retention of front porch, refused 27 September 2005