

Meeting:	Development Control Committee
Date:	7 December 2005
Subject:	38 Headstone Gardens, 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 construction of a single storey rear extension at 38 Headstone Gardens, Harrow, and seeks authority to initiate enforcement action for its removal.

The single storey rear extension does not constitute permitted development, planning permission was refused because the single storey rear extension projects 3.565 metres. The extension, by reason of excessive bulk and rearward projection, prominent siting and unsatisfactory design, gives the property a disproportionate bulky, obtrusive appearance and unacceptably detracts from the residential amenity of adjoining properties and the character of the locality. The development is contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.

### **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 single storey rear extension.
- (ii) The permanent removal of the material arising from compliance with the

first (b) (i) requirement above from the land.

(c) [(b)] (i) and (ii) should be complied with within a period of (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 Borough 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 residents would continue to be harmed.

## **Section 2: Report**

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

2.1 A planning permission for the conversion to two flats (HAR/20016) granted 14 December 1962.

- 2.2 Planning permission for the retention of single storey rear extension (P/511/05/DCO) refused 21 April 2005.

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

- 2.3 The property is a corner site located at the north-eastern junction of Headstone Gardens and Sidney Road. The site contains a two-storey end-of-terrace dwelling, which has been converted into two flats. A wooden fence unconventionally divides the rear garden for each flat. Two detached garages are located at the rear of the site, accessed from Sidney Road.

- 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.”

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

- 2.6 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.

- 2.7 The Council's Supplementary Planning Guidance “Extensions, A Householders Guide” indicates that the maximum suitable depth of an

extension for a terraced dwelling house is 2.4 metres. Retrospective Planning permission was refused because the existing single storey rear extension projects 3.565 metres. There are no other examples of extensions over 2.4 metres in the immediate vicinity of the subject site, including the adjoining neighbouring properties. The depth of the extension is unacceptable and creates an adverse effect on the residential amenity on the occupiers of neighbouring properties due to its visual bulk and excessive rearward projection. Therefore the rear extension, by reason of excessive bulk and rearward projection, prominent siting and unsatisfactory design, gives the property a disproportionately bulky, obtrusive appearance that unacceptably detracts from the residential amenity of adjoining properties and the character of the locality.

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

- 2.8 Without planning permission, the erection of a single storey rear extension.

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

- 2.9 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.0 The rear extension, by reason of excessive bulk and rearward projection, prominent siting and unsatisfactory design, gives the property a disproportionate bulky, obtrusive appearance and unacceptably detracts from the residential amenity of the occupiers of adjoining properties and the character of the locality. It is contrary to policies SD1, D4 and D5 of the Harrow Unitary Development Plan 2004.
- 3.1 The Council does not consider that planning permission should be granted because planning conditions cannot overcome these problems.

### **3.2 Consultation**

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

### **3.3 Financial Implications**

None.

### **3.4 Legal Implications**

As contained in the report.

### **3.5 Equalities Impact**

None.

**3.6 Section 17 Crime and Disorder Act 1998 Considerations**

None.

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

P/511/05/DCO - Retention of single storey rear extension.