

Meeting:	Development Control Committee
Date:	7 December 2005
Subject:	67 Argyle Road, 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 raised rear decking with railings at 67 Argyle Road, Harrow, and seeks authority to initiate enforcement action for its removal.

On this occasion the development does not constitute permitted development as the total additional volume exceeds 70 cubic metres. It is considered that the raised rear decking with railings allows overlooking into the two adjacent properties, resulting in an unreasonable loss of privacy to its occupiers, to the detriment of their residential amenity, contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004 and Supplementary Planning Guidance "Extensions, A Householders Guide". 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 rear decking and railings.
- (ii) The permanent removal of the materials arising from compliance with the

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

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

(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 An invalid planning application for the erection of decking (P/2159/05/DFU) was submitted to Council. The application remains invalid.

Background Information and Options Considered

2.2 The property is located on the southern side of Argyle Road and comprises a two storey semi detached dwelling.

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

2.5 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 Section C of the Harrow Council’s Supplementary Planning Guidance (SPG) *Extensions: A householders guide* states: -

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

- 2.7 The raised decking and railings allow overlooking of the rear gardens and habitable room windows of the adjacent properties, resulting in an unreasonable loss of privacy to its occupiers, to the detriment of their residential amenity.

The extension exceeds the 70 cubic metres allowed under permitted development.

The alleged breach of planning control

- 2.8 Without planning permission, the erection of a raised rear decking with railings.

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 raised rear decking and railings allows overlooking of the adjacent properties, resulting in an unreasonable loss of privacy to its occupiers, to the detriment of their residential amenity, contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004 and Supplementary Planning Guidance "Extensions, A Householders Guide".

Consultation

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

Financial Implications

- 3.2 None.

Legal Implications

- 3.3 As contained in the report.

Equalities Impact

- 3.4 None.

Section 17 Crime and Disorder Act 1998 Considerations

- 3.5 None

Section 3: Supporting Information/ Background Documents

None.