

Meeting:	Development Control Committee
Date:	7 December 2005
Subject:	83B Hindes 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 gates and railings adjacent to the highway over one metre in height at 83B Hindes Road, Harrow, and seeks authority to initiate enforcement action for their removal.

On this occasion the development does not constitute permitted development as the gates and railings exceeds 1 metre in height adjacent above the highway. The front gates and railings, by reason of prominent siting, height and design, have a discordant, obtrusive appearance in the streetscene and detract from the setting of the dwelling, to the detriment of the visual amenity and character of the locality. The development is contrary to policies SD1, D4 and D5.

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 gates and railings to a height not exceeding 1 metre in height above ground level.
- (ii) The permanent removal of the materials arising from compliance with the first requirement (b) (i).

(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 A planning application for the retention of the railings and gates at front (P/1167/05/DCO) was submitted to Council. The application was refused on the 29 June 2005.

Background Information and Options Considered

2.2 The property is located on the northern side of Hindes Road.

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 A one metre high fence and railings have been erected upon a small 0.55m high brick wall, adjacent to an area of the highway of Hindes Road. The gates providing access onto hardstanding are sited off the front boundary. It is considered that that the gates and railings have a discordant, obtrusive appearance in the streetscene and detract from the setting of the dwelling, to the detriment of the visual amenity and character of the locality.

The alleged breach of planning control

- 2.7 Without planning permission, the erection of gates and railings over 1 metre in height.

Reasons for issuing the notice

- 2.8 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 2.9 The gates and railings adjacent to the highway, by reason of their prominent siting, height and design, have a discordant, obtrusive appearance in the streetscene and detract from the setting of this dwelling, to the detriment of the visual amenity and character of the locality. Contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.
- 3.0 The Council do 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 Service

3.2 Financial Implications

None.

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

P/1167/05/DCO - Retention of the railings and gates at front.