

Meeting:	Development Control Committee
Date:	11 January 2006
Subject:	1 Wildcroft 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 gates, walls, pillars and railings adjacent to the highway over one metre in height at 1 Wildcroft Gardens, Harrow, and seeks authority to instigate planning enforcement action for their removal.

The development does not constitute permitted development as the gates, walls, pillars and railings exceeds 1 metre in height above the adjacent highway. The front gates, walls, pillars 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 and/or reduction of the gates, walls, pillars and railings to a height not exceeding 1 metre above ground level.

(ii) The permanent removal of the materials arising from compliance with the first requirement (b) (i) 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 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 residents would continue to be harmed.

Section 2: Report

Brief History, Policy Context (including Previous Decisions)

- 2.0 - P/2486/04/DFU - First floor side extension; granted 15/10/2004
- EAST/980/99/FUL - Single and first floor rear extension; refused 22/11/1999
- Appealed planning decision EAST/980/99/FUL – Single and first floor extension; allowed 4/9/2000

Background Information and Options Considered

2.1 The property is a large two storey detached single family dwelling house located on the northern side of Wildcroft Gardens, Harrow. The gates, walls, pillars and railings are located adjacent to the highway leading into an area of hardstanding. Wildcroft Gardens has a high level of streetside greenness and simple boundary treatments usually hedgerow and/ or low level fencing.

2.2 The Development is contrary to the following policies:

-Policy D4 *The Standard of Design and Layout* of the Harrow Council Unitary Development Plan 2004.

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

-Policy D5 *New Residential Development – Amenity Space and Privacy* of the Harrow Council Unitary Development Plan 2004.

2.3 Gates, walls, pillars and railings have been constructed adjacent to the highway of 1 Wildcroft Gardens. The gates, walls and railings are 2.16 metres in height the pillars are 2.23 and 2.35 metres in height. It is considered that the gates, walls, railings and pillars 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

2.4 Without planning permission, the erection of gates, walls, railings and pillars in excess of 1 metre in height adjacent to the highway.

Reasons for issuing the notice

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

- 2.6 The gates, walls, railings and pillars 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.
- 2.7 The Council does not consider that Planning permission should be granted because planning conditions cannot overcome these problems.

Consultation

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

Financial Implications

- 2.9 None.

Legal Implications

- 3.0 As contained in the report.

Equalities Impact

- 3.1 None.

Section 17 Crime and Disorder Act 1998 Considerations

- 3.2 None.

Section 3: Supporting Information/ Background Documents

P/2486/04/DFU - First floor side extension.

EAST/980/99/FUL - Single and first floor rear extension

Appealed planning decision EAST/980/99/FUL – Single and first floor extension