

Meeting:	Development Control Committee
Date:	Wednesday 11 January 2006
Subject:	4 Elm Park, Stanmore
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 conversion of a detached garden building to the rear of 4 Elm Park Stanmore into a small dwellinghouse and seeks authority to initiate enforcement action for its removal.

The Development Control Committee has already agreed enforcement action. This report updates the previous report submitted to committee as a result of the dismissal of the appeal on application P/1288/04/CCO.

Planning permission reference (EAST/1213/01/FUL) granted the conversion of a dwellinghouse to 3 flats with parking. 2 car parking spaces were located in the now converted garden building, and one parking space has been provided to the side, on an area which as part of the approved scheme should be laid to turf.

The conversion of the garden building into a dwellinghouse does not constitute permitted development. Planning permission for the retention of the converted dwellinghouse was refused, and a subsequent appeal was dismissed, on the basis that the 4 units result in an over-intensive use of the land, and contravenes policies SD1, D4, D5, SH1 and T13 of the Harrow Council's Unitary Development Plan 2004. The unauthorised development clearly fails to protect and safeguard the character and amenity of the surrounding residential 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) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
- (b) (i) Cease the use of the detached garden building as a single-family dwellinghouse;
(ii) The demolition of the front and internal ground floor walls, and removal of all internal fixtures and fittings
(iii) Return the use of the building to car parking as shown on plan 2572/10 of planning consent EAST/1213/01/FUL.
- (c) [(b)] (i), (ii) and (iii) should be complied with within a period of six (6) 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 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 harm would continue to be caused to the amenities of the occupiers of neighbouring properties.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

- 2.1 An appeal against the refusal to grant planning application (reference P/1288/04/CCO) for the retention of alterations to and use of an outbuilding as a separate dwelling, with two car parking spaces was dismissed 22 June 2005.
- 2.2 A planning application (P/1288/04/CCO) was submitted for the retention to alterations to and use of outbuilding as separate dwelling and car parking spaces; refused 30 July 2004.
- 2.3 A planning application (EAST/1213/01/FUL) was submitted for the conversion of a dwellinghouse into 3 flats with parking; granted 2 January 2002.

Background Information and Options Considered

- 2.4 The property is located on the western side of Elm Park, within the Stanmore District Centre and is occupied by a former detached dwellinghouse. The dwellinghouse has been converted under planning permission into 3 flats. There is a detached garden building located at the rear of the property approved for use as parking but has been converted without planning permission to a dwellinghouse.
- 2.5 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 Unitary Development Plan 2004.
 - Policy D5 *New Residential Development – Amenity Space and Privacy* of the Harrow Council Unitary Development Plan 2004.
 - Policy SH1 *Housing Provision and Housing Need* of the Unitary Development Plan 2004.
 - Policy T13 *Parking Standards* of the Unitary Development Plan 2004.

- 2.6 The approved plans of planning permission EAST/1213/01/FUL show a detached garden building providing 2 car parking spaces, with landscaping to the side. The detached garden building has been converted to a single-family dwellinghouse and the landscaping area to the side has been surfaced with stone to provide one car parking space. The conversion of the garden building has reduced the number of car parking spaces available within the site. Whilst the site is close to Stanmore town centre it is considered that the amount of parking space provided does not comply with the Council's current criteria and as such is contrary to Policy T13 of the Harrow Council's Unitary Development Plan 2004.
- 2.7 The window to window distance from the kitchen of the garden house to the lounge window of the nearest flat is approximately 11.5m. This close distance results in overlooking that is detrimental to the amenities of residents, contrary to Policies SD1, D4 and D5 of the Unitary Development Plan 2004.
- 2.8 Amenity space should be located to the rear of developments, to protect the amenity of the users and adjoining property owners. The conversion of the detached garden building to a dwellinghouse results in a reduced amount of amenity space, of a lower value, with overlooking that is detrimental to the amenities of its authorised users (the occupiers of the three flats) and the occupiers of the dwellinghouse.
- 2.9 The Council's Supplementary Planning Guidance indicates that development should be designed to ensure adequate privacy for new and existing housing. People usually have a higher expectation from the rear of their dwellings and this should be taken into consideration when designing new development to minimise the potential for direct overlooking and loss of privacy to private garden areas. As a result of the development in question overlooking of the private garden area for the flats has considerably increased, as has overlooking of habitable rooms.

The alleged breach of planning control

- 3.0 Without planning permission, making a material change in the use of the land from 3 flats to 3 flats and a single family dwellinghouse.

Reasons for issuing the notice

- 3.1 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.2 The development reduces the existing off-street parking provisions and gives rise to increased on-street parking to the detriment of highway safety, contrary to Policy T13 of the Harrow Unitary Development Plan 2004.

- 3.3 The converted garden building, due to its position in relation to the adjoining flats and private open space, results in an inappropriate form of development and unacceptable level of overlooking of these properties and the private open space contrary to Policies SD1, D4, D5 and SH1 of the Harrow Unitary Development Plan 2004.
- 3.4 The Council do not consider that planning permission should be granted because planning conditions could not overcome these problems.

Consultation

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

Financial Implications

- 3.6 There are no financial implications at this stage

Legal Implications

- 3.7 As contained in the report

Equalities Impact

- 3.8 None

Section 17 Crime and Disorder Act 1998 Considerations

- 3.9 None

Section 3: Supporting Information/ Background Documents

Planning application references:

P/1288/04/CCO: Retention to alterations to and use of outbuilding as separate dwelling and car parking spaces.

EAST/1213/01/FUL: Conversion of dwellinghouse to 3 flats with parking.