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| Meeting: | Development Control Committee |
| Date: | 8 February 2006 |
| Subject: | 19 Victoria Terrace, Harrow on the Hill |
| 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 installation of two windows in the ground floor north elevation at 19 Victoria Terrace, Harrow on the Hill, and seeks authority to initiate enforcement action for their removal.

The windows, by reason of their siting and location in relation to neighbouring residential properties, permit unreasonable, actual overlooking of No.1 and perceived overlooking of No.2 Wellington Terrace, to the detriment of the privacy and amenity of the neighbouring occupiers and contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004 and Policy 7 of the Harrow on the Hill Village Conservation Area Policy Statement. 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 removal of the two windows on the ground floor north elevation.
(ii) The reinstatement of the walls to match the existing wall.
(iii) The permanent removal of the materials arising from compliance with the

first requirements in (b) (i) and (ii) above from the land.

(c) [(b)] (i), (ii) and (iii) 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 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 Planning permission P/2177/05/DCO for the retention of two replacement windows in north elevation was refused on 17 October 2005 for the following reasons:
The retention of the windows in the north elevation, by reason of siting and location in relation to residential properties, would permit unreasonable actual and perceived overlooking of No. 1 and No. 2 Wellington Terrace, to the detriment of the privacy amenity of the neighbouring occupiers.

Background Information and Options Considered

- 2.1 The single family detached dwellinghouse is located on the northern side of Victoria Terrace. The site is located within the Harrow on the Hill Village Conservation Area.
The two windows are UPVC double-glazed windows, located on the ground floor north elevation of the dwellinghouse, and can be seen from the rear gardens and dwellinghouses of No.1 and No. 2 Wellington Terrace.
- 2.2 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.”
- 2.3 This policy is reinforced in the more general Policy, SD1 *Quality of Design* of the Unitary Development Plan 2004.
- 2.4 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.

In or adjacent to town centres, it may be acceptable to provide flats with only limited external amenity space. In such instances alternative provision such as balconies, roof gardens or internal communal areas will be sought.

2.5 Policy 7 of the Harrow on the Hill Village Conservation Area Policy Statement states: - that the Council will require that all development respects the character, intrinsic historic townscape patterns, and layout of the area.

2.6 The two windows are located on the ground floor north elevation of the dwellinghouse and can be seen from the rear of No.1 and No. 2 Wellington Terrace. The windows are UPVC double-glazed. The property although located in the Harrow on the Hill Conservation area has little intrinsic architectural merit and so the alterations do not affect the properties character, and that of the wider conservation area. The two windows are not visible from any public viewpoint, but are visible from the rear gardens and provides views into the dwellinghouses of properties along Wellington Terrace. The windows present an unacceptable level of perceived and actual overlooking into the rear gardens to the detriment of the occupiers privacy.

The alleged breach of planning control

2.7 Without planning permission, the installation of two windows in the ground floor north elevation of the dwellinghouse at 19 Victoria Terrace, Harrow.

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 windows in the ground floor north elevation, by reason of their siting and location in relation to residential properties, permit unreasonable actual overlooking of No.1 Wellington Terrace and perceived overlooking of No.2 Wellington Terrace, to the detriment of the privacy and amenity of the neighbouring occupiers, contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004 and Policy 7 of the Harrow on the Hill Village Conservation Area Policy Statement.

3.0 The Council does not consider that planning permission should be granted because planning conditions cannot overcome these problems.

Consultation

- 3.1 -Ward Councillors copied for information
-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

P/2177/05/DCO Retention of two replacement windows in north elevation