

Meeting:	Development Control Committee
Date:	8 <sup>th</sup> February 2006
Subject:	Rear of 48 The Avenue, Harrow Weald
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Glen More
Portfolio Holder:	Planning, Development and Housing
Enclosures:	Site Plan and photograph
Key Decision:	No
Status:	Part 1

### **Section 1: Summary**

This report relates to the untidy appearance of the land and fence to the rear of 48 The Avenue, Harrow Weald.

The condition of the land is adversely affecting the amenity of adjacent neighbours, and the area as a whole. The untidy appearance of the land derives from overgrown vegetation, rubbish tipped on the land and a broken boundary fence, that is falling down, adjacent to the footpath on Chestnut Drive. Section 215 of the Town and Country Planning Act 1990 allows the Council to issue a notice for works to ameliorate such harm to amenity. It is recommended that such a notice be issued on this occasion.

### **Decision Required**

Recommended (for decision by the Development Control Committee)

The Director of Legal Services be authorised to:

Issue a Notice pursuant to Section 215 of the Town and Country Planning Act 1990 on the land outlined in the first schedule for the works stated in the second schedule:

## **FIRST SCHEDULE**

### The Land

Land at 48 The Avenue, Harrow Weald edged black on the attached plan (hereinafter referred to as "the Land").

## **SECOND SCHEDULE**

### The Steps Required to be Taken

1. Reduce the height of the vegetation (except any tree with a trunk width of more than 100mm) so that vegetation on the Land is no more than 100mm in height from ground level;
2. Permanently remove all material arising from compliance with Step 1 above from the land;
3. Permanently remove all household rubbish and litter from the Land.
4. Permanently remove the section of fence that has fallen down, from the land.

### **Reason for report**

To ensure that the amenity of the adjoining neighbours and area is not adversely affected by the appearance of the land.

### **Benefits**

To enhance the environment of the Borough.

### **Cost of Proposals**

None at this stage

### **Risks**

Any notice issued pursuant to Section 215 of the Town and Country Planning Act 1990 may be appealed to the Magistrates' Courts.

### **Implications if recommendations rejected**

Failure to take action would mean that the amenities of the occupiers of neighbouring properties and the surrounding area would continue to be harmed.

## **Section 2: Report**

### Brief History

None.

### Relevance to Corporate Priorities

- 2.1 This report addresses the Council's priority of enhancing the environment of the borough.

### Background Information and Options considered

- 2.2 The land at rear of 48 The Avenue forms part of the planning unit of number 48 The Avenue. The untidy appearance of the land derives from rubbish / litter tipped on the land, overgrown vegetation up to a height of approximately 2 metres and the fence adjacent to Chestnut Drive in disrepair. Wooden planks from the fence are missing and a 3-metre section of the fence has fallen onto the land.
- 2.3 The land at 48 The Avenue is a corner plot with the land and fence clearly visible from Chestnut Drive. Due to its prominent corner location, the land has an increased negative impact on the amenity of the area and the character of the street scene.

### **3.1 The alleged breach of planning control**

The current condition of the land adversely affects the amenity of adjoining neighbors and the surrounding area.

### **3.2 Reasons for issuing the notice**

The condition and appearance of the land is untidy, overgrown and is harmful to amenity of adjoining neighbours and the surrounding area.

### **3.3 Consultation with Ward Councillors**

Copied for information

### **3.4 Financial Implications**

None

### **3.4 Legal Implications**

Apart from the right of appeal to the magistrates' court, article 1 of the Human Rights Act 1998 (the Act) states that a person is entitled to the peaceful enjoyment of his/her property. Public authorities are required under the Act not to exercise their powers in such a way as to derogate from a right entrenched in the Act. However, the right to peaceful enjoyment must be balanced against the general interest and protection of the rights and freedom of others. In this case, it is thought that the wider impact of the appearance of the land on the amenities of neighbouring occupiers and the locality overrules the owner's right to the peaceful enjoyment of the land.

### **3.6 Equalities Impact**

None

### **3.7 Section 17 Crime and Disorder Act 1998 Considerations**

None

## **Section 3: Supporting Information/ Background Documents**

Photographs of the land at the rear of 48 The Avenue.