

Meeting:	Development Control Committee
Date:	8 February 2006
Subject:	147 Roxeth Green Avenue, 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 a rear extension at 147 Roxeth Green Avenue, Harrow, and seeks authority to initiate enforcement action for its removal.

At its meeting of 11 October 2005 the Development Control Committee refused to grant planning permission for planning application reference P/1630/05/DCO, for the alteration to, and retention of, covered area at rear.

The rear extension, by reason of its excessive bulk and rearward projection, is unduly obtrusive, resulting in loss of light and overshadowing, and is detrimental to the visual and residential amenities of the occupiers of the adjacent property. The development is contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004 and C1, C3, C4 and C7 Supplementary Planning Guidance "Extensions, A Householders Guide". 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 demolition of the canopy roof.
 - (ii) The reduction of its flank walls to a height not exceeding 2 metres
 - (iii) The demolition of the raised floor to natural ground level.
 - (iv) The permanent removal from the land of the materials arising from compliance with the requirements in (b) (i), (ii) and (iii) above from the land.
- (c) [(b)] (i), (ii) (iii) and (iv) should be complied with within a period of three (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 P/1630/05/DCO Alterations to, and retention of, covered area at rear, refused 12 October 2005. Reasons for refusal:

The retention of the covered area at the rear, with the proposed alterations, would be detrimental to the amenity of neighbouring occupiers by reason of its discordant, obtrusive appearance and overlooking, and would be at odds with the character and pattern of development in the established residential locality.

- 2.1 P/451/05/DCO Retention of covered area at rear, refused 16 May 2005 reasons for refusal:

The proposed extension, by reason of excessive bulk and unsatisfactory design, would be unduly obtrusive with inadequate space about the buildings and would detract from the established pattern of development in the street scene and the character of the locality.

The proposed rear extension, by reason of excessive bulk and rearward projection, would be unduly obtrusive, result in loss of light and overshadowing, and would be detrimental to the visual and residential amenities of the occupiers of the adjacent property.

Background Information and Options Considered

- 2.2 The property is located on the western side of Roxeth Green Avenue and comprises a two storey terraced dwellinghouse with a 2.9 metre single storey rear extension. A covered patio projects a further 2.8 metres from the rear extension which is walled on both boundaries, has a partial height wall at the rear and has a clear polycarbonate roof, which protrudes a further 0.6 metres. The floor of the patio has been raised by approximately 700 mm and has 3 steps down into the garden. A large outbuilding and detached garage are sited at the rear of the property.

- 2.3 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.

2.4 Section C of the Harrow Council's Supplementary Planning Guidance (SPG) *Extensions: A householders guide* states: -

C1 Rear extensions have the greatest potential for harm to the amenities of neighbouring residents. Their impact on neighbouring property and the character and pattern of development needs careful consideration. Rear extensions should be designed to respect the character and size of the house and should not cause unreasonable loss of amenity to neighbouring residents

C2 The distance should be limited to 2.4 metres on a terraced house, whether this is in the middle or end of terrace. Generally, the acceptable depth of extensions will be determined by:

- Site considerations
- The scale of the development
- Impact on the amenity of neighbouring residents, and
- The established character of the area and the pattern of development.

C4 In special circumstances a greater depth may be allowed where, for example:

- The extension would be sited away from an adjacent side boundary
- The rear building line is staggered
- An adjacent dwelling is sited away from such a boundary, or
- Where the neighbouring dwelling has an extension.

C7 The height of single storey rear extensions should be minimised to restrict the impact on the amenities of neighbouring residents. Subject to site considerations, the finished height of an extension abutting a residential boundary should be a maximum of 3 metres on the boundary for a flat roof, and for a pitched roof 3 metres at the mid-point of the pitch at the site boundary.

2.5 The lean to canopy roof, walls and raised patio are located to the rear of an existing single storey rear extension, which in total creates a single storey rear projection of 5.7 metres. The Council's supplementary planning guidance states that a single storey rear projection would normally be acceptable up to 3 metres. The original rearward extension is acceptable, however the additional element does not respect the character and size of the houses or development within the locality and increases the rear projection to an unacceptable degree. It is not considered that the additional extension complements its surroundings and does not have a satisfactory relationship with adjoining buildings. It is not considered that the extension has regard to the scale and character of the surrounding environment. Therefore the extension is considered unacceptable due to its depth.

The alleged breach of planning control

- 2.6 Without planning permission, the erection of an extension comprising lean to canopy roof, side walls, partial height rear wall and raised patio (including steps) to the rear of the single storey rear extension.

Reasons for issuing the notice

- 2.7 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 2.8 The extension, by reason of excessive bulk and unsatisfactory design, is unduly obtrusive with inadequate space about the buildings and detracts from the established pattern of development in the street scene and the character of the locality.
Its excessive bulk and rearward projection results in a loss of light and overshadowing, and it is detrimental to the visual and residential amenities of the occupiers of the adjacent properties, contrary to the following policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004 and C1, C3, C4 and C7 Supplementary Planning Guidance "Extensions, A Householders Guide".
- 2.9 The Council does not consider that planning permission should be granted because planning conditions cannot overcome these problems.

Consultation

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

Financial Implications

- 3.1 None.

Legal Implications

- 3.2 As contained in the report.

Equalities Impact

- 3.3 None.

Section 17 Crime and Disorder Act 1998 Considerations

- 3.4 None

Section 3: Supporting Information/ Background Documents

P/451/05/DCO Retention of covered area at rear.

P/1630/05/DCO Alterations to, and retention of, covered area at rear.