

Meeting:	Development Control Committee
Date:	8 February 2006
Subject:	63 College Road, Harrow Weald
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 detached outbuilding at 63 College Road, Harrow Weald, and seeks authority to initiate enforcement action for its removal.

On this occasion the development does not constitute permitted development as the height of the building exceeds 3 metres, therefore the development is not in accordance with the Town and Country Planning (General Permitted Development) Order 1995. The property is located on a corner site adjacent to a private access way leading up to a block of flats directly behind the rear garden. The detached outbuilding, which is located at the rear of the garden, by reason of its prominent siting, height and design has a discordant, obtrusive appearance, and when viewed from surrounding properties is detrimental to the visual amenity of the locality, contrary to policies SD1 and D4 of the Harrow Council Unitary Development Plan 2004. 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 detached outbuilding.
(ii) The permanent removal of the materials arising from compliance with the requirement in (b) (i) above from the land.
- (c) [(b)] (i) and (ii) 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

Background Information and Options Considered

- 2.0 The property is located on the northern side of College Road, Harrow Weald and comprises of a two storey semi detached dwelling. The detached outbuilding is located at the rear of the property, more than 20 metres from the highway, further than 5 metres from the dwellinghouse and takes up less than 50 percent of the garden area. The outbuilding has a mono pitch roof and is 3.6 metres high at the highest point.
- 2.1 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.”
- 2.2 This policy is reinforced in the more general Policy, SD1 *Quality of Design* of the Unitary Development Plan 2004.
- 2.3 Class E of The Town and Country Planning Act (General Permitted Development) Order 1995 states:-
- The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.
- E1. Development is not permitted by Class E if –
- (A) It relates to a dwelling or a satellite antenna
 - (B) Any part of the building or enclosure to be constructed or provided would be nearer to any highway which bounds the curtilage than –
 - (i) The part of the original dwellinghouse nearest to that highway, or
 - (ii) Any point 20 metres from that highway, whichever is nearer to the highway
 - (C) Where the building to be constructed or provided would have a cubic content greater than 10 cubic metres, and part of it would be within 5 metres of any part of the dwellinghouse
 - (D) The height of that building or enclosure would exceed-
 - (i) 4 metres, in the case of a building with a ridged roof, or
 - (ii) 3 metres, in any other case
 - (E) The total area of ground covered by buildings or enclosures within the curtilage (other than the original dwellinghouse) would exceed 50% of the

total area of the curtilage (excluding the ground area of the original dwellinghouse); or

(F) In the case of any article 1(5) land or land within the curtilage of a listed building, it would consist of the provision, alteration or improvement of a building with a cubic content greater than 10 cubic metres

- 2.4 The outbuilding is located at the rear of the garden. The property is adjacent to a private access way, which leads to a group of flats located behind the rear of the outbuilding. The roof of the outbuilding is a mono pitched roof rising to a height of 3.6 metres. The roof is at its highest adjacent to the side wall of the neighbouring flats and has an overbearing impact on occupiers of adjacent flats and users of the private accessway. The Outbuilding, by reason of its height and design, has a discordant, obtrusive appearance, to the detriment of the visual amenity and character of the locality.

The alleged breach of planning control

- 2.5 Without planning permission, the erection of a detached outbuilding at the rear of 63 College Road, Harrow Weald.

Reasons for issuing the notice

- 2.6 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 2.7 The detached outbuilding, by reason of its prominent siting, height and design has a discordant, obtrusive appearance, and when viewed from surrounding properties and accessway is detrimental to the visual amenity of the locality and contrary to policies SD1 and D4 of the Harrow Council Unitary Development Plan 2004.
- 2.8 The Council does not consider that planning permission should be granted because planning conditions cannot overcome these problems.

Consultation

- 2.9 -Ward Councillors copied for information
-Harrow Council Legal Services
-Harrow Council Financial Services

Financial Implications

- 3.0 None.

Legal Implications

- 3.1 As contained in the report.

Equalities Impact

3.2 None.

Section 17 Crime and Disorder Act 1998 Considerations

3.3 None

Section 3: Supporting Information/ Background Documents

None.