

Meeting:	Development Control Committee
Date:	Wednesday 8 February 2006
Subject:	31 Northumberland Road, North Harrow.
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Frank Stocks
Portfolio Holder:	Planning, Development and Housing
Key Decision:	No
Status:	Public

Section 1: Summary

- 1.1 A series of complaints has been received relating to planning and construction works at the above property. In particular, a petition of objection has been received containing 26 signatures.
- 1.2 The petition refers to three issues:
 - the manner in which planning permission was granted
 - that the development under construction is not being carried out in accordance with the approved plans
 - a lack of proper supervision of the work being carried out
- 1.3 Several planning applications have been submitted to the Council relating to this property, one of which, ref: P/2928/04/DFU, was granted for the construction of two storey side to rear, single storey front and rear extensions and rear dormer. A development of this nature is being implemented at the property.
- 1.4 A review of the application process for recent planning applications at this property has shown that they were processed in accordance with the Council's current standards and policies.

- 1.5 The development is being constructed slightly larger than shown on the approved plans of planning permission ref: P2928/04/DFU. There are two areas of this development that cause concern, namely the mid-point height of the single storey rear extension, and the insertion of an additional window in the flank elevation of the two storey side extension.
- 1.6 The Council's Planning Enforcement Service is reactionary, rather than being pro-active, and monitoring development. The provision of such a service would constitute an addition to performance within the Department, however, it would be out of character with the service provided by other Local Authorities, and would have budgetary implications.

Decision Required

Recommendation (for decision by the Development Control Committee).

1. The Development Control Committee agree that the Group Manager Planning and Development contact the owner of the property to negotiate amendments to the development under way, in particular:
 - i) the reduction in the height of the lintel on the single storey rear extension to secure a reduction in the roof height; and
 - ii) the removal of the ground floor window in the flank wall of the two storey side extension.
2. The Development Control Committee instruct the Group Manager Planning and Development to request that the owner of the property submits a further planning application to regularise the position in respect of the unauthorised works, including:
 - i) the additional projection of the front porch extension by 100mm
 - ii) the additional projection of the single and two storey rear extension by 150mm
 - iii) the use of facing brickwork on the flank wall of the part single, part two storey side extension
 - iv) minor changes to elevations
3. In the event that the owner does not carry out the agreed alterations, namely to block up the ground floor flank window opening, and to lower the lintel and the finished height of the single storey rear extension extension:
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 lowering of the external lintel on the single storey rear extension by 200mm, with a consequent reduction in the height of the lean-to roof;
(ii) the blocking up of the ground floor flank window opening facing No. 33 Northumberland Road.
 - (c) [(b)] (i) and (ii) should be complied with within a period of (1) month 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

4. The head petitioner and the separate complainants be informed accordingly.

Reason for report

To ensure that the unauthorised aspects of this development resulting in significant harm, are altered in the interests of safeguarding the amenity of neighbouring residents.

Benefits

To enhance the environment of the Borough and to safeguard the amenity of neighbouring residents.

Cost of Proposals

None at this stage.

Risks

Enforcement action would be likely to result in an appeal to the Planning Inspectorate. The Committee may consider that the course of action set out in the recommendation is appropriate in the circumstances, in order to resolve the situation locally.

Implications if recommendations rejected

Failure to take action would result in a continuing impact on the amenity of the occupiers of neighbouring properties.

Section 2: Report

2.1 Brief History

2.1.1 Planning application, ref. P/2928/04/DFU, for two storey side to rear, single storey front and rear extensions and rear dormer roof was granted on 11 January 2005. This permission is currently being implemented.

2.1.2 Planning application, ref. P/289/05/DFU for two storey side to rear, single storey front and rear extensions, rear dormer roof and change of use to three flats was refused on 21 March 2005. This decision is currently the subject of a planning appeal that has not yet been determined.

2.1.3 Planning application, ref. P/847/05/DFU for two storey side to rear, single storey front and rear extensions, rear dormer, and change of use to three flats was refused on 27 May 2005. This decision is currently the subject of a planning appeal that has not yet been determined.

2.1.4 Application, ref. P/1107/05/DCP, for a Certificate of Lawful Proposed Development to house 6 unrelated tenants living together as a single household was granted on 1 August 2005.

2.2 Options Considered

2.2.1 The property comprises a single-family dwellinghouse, with a tiled roof, and walls of coloured render over a belt of red bricks. As such, it is typical of the dwellinghouses in Northumberland Road, where several different colours of render are used. The colour of the render used on this property is similar to that of several others interspersed along the length of the road.

2.2.2 The owner of the property has indicated that he is implementing the granted planning permission for extensions to the property. A petition has been submitted to the Council relating to development at this property. The petition raises a number of concerns, which are addressed below:

i) Concern at the manner in which planning permission was granted:

Planning permission was granted in January 2005, quite properly, through the delegated powers of the Group Manager Planning & Development. In concluding that the development was acceptable Officers took into account the relevant policies of the adopted Harrow Unitary Development Plan, the Council's adopted Supplementary Planning Guidance "Extensions, a Guide for Householders", and the comments received from neighbouring residents.

ii) Concerns that the development is not being carried out in accordance with the approved plans:

The development under construction has been checked against the approved plans of planning permission ref: P/2928/04/DFU, and anomalies found. These also relate to the several specific points raised by complainants, which are addressed separately below for clarity.

iii) A lack of proper supervision of the work being carried out:

A reactionary Planning Enforcement Service is provided by Harrow Council, in a similar manner to other Local Authorities. The service provided responds to specific alleged breaches of planning control, but does not carry out pro-active investigations, or the monitoring of physical development. Should members feel that it is appropriate for the Council to provide such a service, it is recommended that a report relating to the options to deliver such a service should be submitted to the Committee at a later date.

2.2.3 In addition, local residents have raised a number of issues, not directly contained within the petition, relating to this development:

i) The erection of an eight-foot tall compounding fence:

Site hoardings erected around a construction site do not require an additional grant of planning permission.

ii) The use of yellow bricks in the flank wall of the two-storey side extension.

The walls of dwellinghouses in Northumberland Road are typically faced of a low section of red bricks with coloured render above. Different colours of render are interspersed along the length of Northumberland Road.

The flank wall of the extension at 31 Northumberland Road has been finished with a good quality facing brick, similar in colour to that of the render on the original dwellinghouse. It is likely that when these bricks weather in, they will be a reasonable match in colour. It is considered that the use of this material, in this colour, is not detrimental to the amenity of local residents, or the character of the street scene. Officers are also mindful of an appeal decision in respect of an Enforcement Notice (in Harrow Weald) that required the substitution of facing brickwork on the flank wall of a new extension, with white render to match the existing house and all the neighbouring houses in that part of the street. The appeal was allowed and the Enforcement Notice quashed.

iii) The single storey front extension extends outwards past the bay window:

Planning permission was granted for a front porch extension extending 250mm beyond the existing front bay.

There is a minor anomaly in the approved plans, in that the existing bay window projects outward further in the plans than on site. However, this does not alter the depth to which the approved plans show the front extension may be built, which is 1.25m beyond the front main wall.

The extension has been built to a greater depth than shown on the approved plans. Local residents claim this to be 400mm in front of the bay window. As such, it would appear that local residents claim the extension projects 140mm further than approved. However, measurements taken at the site indicate that the extension projects 100mm beyond the depth for which permission was granted.

Section A3 of the Council's supplementary planning guidance "Extensions, a Guide for Householders" indicates:

"Front porches and garage extensions will normally be appropriate. To safeguard the appearance of the property such extensions should not link into the existing bay windows or project significantly forward of the windows."

The single-storey front extension does not link into the bay window and it is considered that on this occasion the extension does not project significantly forward of the bay window. The additional projection of 100mm is considered to have no detrimental impact on either the appearance of the property or the streetscene, or on the amenity of neighbouring residents

iv) The Council's delegated report required recessed eaves to avoid encroachment, this has not been done:

As constructed the actual eaves and fascia of the roof have been set back from the boundary line with No. 33 Northumberland Road, although the guttering on the extension projects over the boundary by 100mm. The applicant has therefore constructed a partially-recessed eaves. This detail is considered to be a more visually acceptable solution than the use of a substantial parapet wall as originally proposed.

v) An additional ground floor window has been provided in the flank wall of the two-storey side extension.

The window opening was constructed to allow natural ventilation to a proposed bathroom. The owner of the property has now indicated his intention to fill the opening, reverting to the approved plans.

vi) The depth of the single and two-storey rear extension is shown as 3m on the approved plans, but it has been built at 3.15m:

The approved plans show rear extensions with a depth of 3 metres. However, the extension constructed is to a depth of 3.15 metres, resulting in an additional projection of 150mm. The owner of the land has indicated that the rear wall could not be built in accordance with the approved plans as it would foul a drainage pipe, and he therefore increased the depth of the extensions.

The Council's Supplementary Planning Guidance "Extensions, a householders guide" indicates:

Two storey or first floor rear extensions abutting a side boundary have considerable potential for detrimental impact on the amenity of neighbouring properties because of the excessive bulk and loss of light. Such extensions must always comply with the 45° Code but will also be assessed against the relevant site conditions, in particular:

- The orientation of the house - siting south or west of the neighbour would normally be unacceptable
- The extent to which the proposal would rely for its setting on the garden of the adjoining house
- The location of the adjacent house and any existing extensions or other buildings at that property
- The use of the adjacent rear garden
- See also para B16

An inspection of the site revealed that the building as constructed does just break the 45° line projected from the corner of the adjoining property. The development site is to the south-east of the adjoining property, and as such has a minimal effect on light. This small increase in depth is considered to have a marginal impact on amenity, and does not result in significant harm being caused to the occupiers of the adjoining property at No. 33.

vii) The mid-point of the single storey rear extension is shown as being 3 metres high on the approved plans, but it has been constructed at a height of 3.26 metres:

The mid-point of the single storey rear extension has been measured at 3.14 metres high. The council's Supplementary Planning Guidance "Extensions, a Guide for Householders" indicates:

"A single storey rearward projection, adjacent to a boundary, of up to 3 metres beyond the rear main wall of adjacent semi-detached or detached houses would normally be acceptable.

The height of single storey rear extensions should be minimised to restrict the impact on the amenities of the 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."

The mid-point of the roof currently extends beyond 3 metres in height. The owner of the land has given an undertaking to reduce the height of the lintel above the rear door opening that supports the partially completed lean-to roof over the single storey rear extension. The lintel would be lowered in height by 200mm, which would result in a re-grading of the height and angle of the roof, thereby reducing the mid-point height and the height of the rear wall of the extension, at the furthest point from the original main wall.

The depth of the extension exceeds the Council's criteria. However, as stated above, the owner has offered to reduce the height of the extension. Accordingly, its impact on the occupiers of adjoining properties stands to be reduced. In these circumstances it is considered that the difference between the approved development and the resulting development is unlikely to constitute significant harm to the amenity of the residents of 29 Northumberland Road.

viii) The rear dormer roof extension is sited less than 1 metre from the roof eaves.

The rear dormer roof extension has been measured at 0.97 metres from the eaves. Such a small difference (30mm) between that constructed and the Council's minimum distance is considered to be 'de minimus' (of no account) and lies within tolerances that would normally be allowed to workmen within the construction process.

Conclusions

- 2.2.4 The development currently under construction differs from the approved plans of planning permission ref: P/2928/04/DFU in several minor ways. It is considered that the majority of these differences, whilst not desirable, do not result in significant harm to the occupiers of neighbouring dwellinghouses, or to the character of the street scene. In the areas of greater concern, namely, the height of the single storey side extension, and the window to the flank wall of the two storey side extension, the owner of the land has offered to carry out works of amelioration.
- 2.2.5 In these circumstances it is therefore recommended that the Group Manager Planning and Development be authorised to pursue the proposed amendments to this development.

The alleged breach of planning control

- 2.2.5 Without planning permission:
- i) the insertion of a new window opening on the ground floor flank elevation, facing No. 33 Northumberland Road; and
 - ii) the construction of the height of the single storey rear extension in excess of that granted planning permission in P/2928/04/DFU without complying with the permission.

Reasons for issuing the notice

- 2.2.6 It appears to the Council that the above breach of planning control occurred within the last 4 years.

The single storey rear extension, by reason of excessive bulk and height, 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, contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.

The ground floor flank window would result in indirect or perceived overlooking of the adjoining property, No. 33 Northumberland Road and result in an unreasonable loss of privacy to the occupiers, contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.

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

2.3 Consultation

Ward Councillors copied for information.

2.4 Financial Implications

None at this stage.

2.5 Legal Implications

Included within the report.

2.6 Equalities Impact

None.

2.7 Section 17 Crime and Disorder Act 1998 Considerations

None.

Section 3: Supporting Information/Background Documents

Background Documents:

Planning applications: P/2928/04/DFU
 P/289/05/DFU
 P/847/05/DFU