

Meeting:	Development Control Committee
Date:	Wednesday 15 March 2006
Subject:	31 Northumberland Road, North Harrow
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Frank Stocks
Portfolio Holder:	Keith Burchell
Key Decision:	No
Status:	Public

### **Section 1: Summary**

- 1.1 Planning permission, ref: P/2928/04/DFU, was granted on 11 January 2005 for the construction of two storey side to rear, single storey front and rear extensions and rear dormer. The development is currently being implemented at the property.
- 1.2 A series of complaints, and a petition, have been received relating to planning and construction works at the above property, in particular:
  - 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 A report was submitted to the Development Control Committee on 8 February 2006, copy attached as Appendix 1.
- 1.4 The Committee resolved not to agree with the recommendations and instructed Officers to submit a further report on the issues, in particular in respect of:

- the additional forward projection of the front porch extension by 100mm (10cm)
- the additional rearward projection of the single and two storey rear extension by 150mm (15cm)

1.5 The Committee also instructed that the complainants be advised of the date when the further report would be considered by Committee.

### **Decision Required**

Recommendation (for decision by the Development Control Committee):

Members determine whether to authorise enforcement action and, in the event that they consider it expedient, resolve that:

1. 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 single and two storey rear extensions;
    - (ii) the demolition of the single storey front extension;
    - (iii) the permanent removal from the land of all of the materials arising from compliance with the first (b)(i) and second (b)(ii) requirements above.
  - (c) [(b)] (i), (ii) and (iii) 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 allow consideration of the works that are not in compliance with planning permission, reference P/2928/04/DFU.

### **Benefits**

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

### **Cost of Proposals**

There could be an award of costs against the Council if, in the event of enforcement action and a subsequent appeal, the Council was unable to present sustainable reasons for undertaking such action.

### **Risks**

Enforcement action would be likely to result in an appeal to the Planning Inspectorate. Risk in relation to potential cost awards is referred to above.

### **Implications if recommendations rejected**

The Committee is being asked to come to a balanced judgement on the expediency of authorising enforcement action.

## **Section 2: Report**

### **2.1 Brief History**

2.1.1 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.

2.1.2 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.

2.1.3 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. Five reasons for refusal related to:

- overintensive use of the site, with increased disturbance and activity
- unsatisfactory internal room layout
- no access to rear garden from upper floor flats
- excessive forecourt parking
- inadequate off-street parking

This decision is currently the subject of a planning appeal, to be determined by informal hearing – no date has yet been arranged.

2.1.4 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. Two reasons for refusal related to overintensive use of the site and inadequate off-street parking, the other 3 reasons for the earlier refusal having been addressed in the revised scheme. This decision is also the subject of a planning appeal, to be determined by informal hearing – no date has yet been arranged.

2.1.5 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.

2.1.6 Application, ref. P/179/06/DFU, for conversion of the extended building into two self-contained dwellings was submitted in January 2006, but has not yet been determined.

## 2.2 Planning Considerations

2.2.1 The report to the 8 February 2006 Committee considered the complaints of the local residents, namely:

- Concern at the manner in which planning permission was granted

*Committee, on 8 February, were advised that 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.*

- Concerns that the development is not being carried out in accordance with the approved plans

*Committee were advised that 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.*

- A lack of proper supervision of the work being carried out

*Committee were advised that 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. Following the 8 February meeting, Officers are considering options for more effective liaison between the Planning and Building Control functions to identify possible breaches of planning control relating to planning permissions.*

- The erection of 2.4m high hoardings around the site frontage

*Committee were advised that site hoardings erected around a construction site do not require planning permission.*

2.2.2 The 8 February report also considered the discrepancies between the approved drawings and the works being undertaken:

- i) The rear dormer roof extension is sited less than 1000mm from the roof eaves, namely 970mm
- ii) The guttering projects some 100mm from the finished two storey side wall, whilst the approved drawings indicated a recessed eaves detail
- iii) The use of yellow bricks, rather than render, in the flank wall of the two-storey side extension
- iv) An additional ground floor window has been provided in the flank wall of the two-storey side extension
- v) A number of minor alterations to elevations (in particular, the front door opening has been reduced in height, and the single storey rear extension window opening has been modified to a door and window opening)
- vi) The mid-point of the lean-to roof 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
- vii) The rearward 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
- viii) The single storey front extension extends 100mm further forward than indicated on the approved plans

i) Rear Dormer Window

2.2.3 Committee were advised that the external face of the rear dormer window was sited 970mm 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. Committee seemed to be of the view that this discrepancy was within the limits of normal building tolerances and was acceptable.

ii) Encroachment of Roof Detail over the Boundary with No. 33 Northumberland Road

2.2.4 Committee were advised that the eaves and fascia of the roof have been recessed and therefore set back from the boundary line with No. 33 Northumberland Road, although the guttering on the extension projects beyond the two storey flank wall by some 100mm, the width of the standard plastic gutter. The Committee was also advised that, following a further site visit, it is apparent that the guttering detail is built within the boundary line of the application property, and this was confirmed by site photographs at the meeting. Committee seemed to be of the view that this was therefore acceptable.

iii) Treatment of Two Storey Flank Wall

2.2.5 Committee were advised that the walls of dwellinghouses in Northumberland Road typically comprise a low plinth of red bricks, with plain or coloured render above. Different colours of render are interspersed along the length of Northumberland Road, as evidenced by the series of photographs seen at the meeting

2.2.6 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.

2.2.7 Committee seemed to be of the view that the use of the facing bricks on the side wall was acceptable.

iv) Ground Floor Flank Window Opening

2.2.8 Committee were advised that, since the February report had been drafted, the unauthorised ground floor flank window opening had been blocked up. Committee therefore seemed to agree that no further action was necessary.

v) Minor Alterations to Elevations

2.2.9 Committee raised no specific concerns.

vi) Height of Single Storey Rear Extension

2.2.10 Committee were advised at the February meeting that the mid-point of the single storey rear extension is shown as being 3 metres high on the approved plans, but the complainants stated that it has been constructed at a height of 3.26 metres

2.2.11 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."*

2.2.12 The February report noted the proposal by the owner to reduce the height of the rearmost part of the single storey rear extension, abutting No. 29 Northumberland Road, by lowering the lintel 200mm. The intention here was to reduce the height of the mid and rearmost part of the extension.

2.2.13 At Committee Members were advised that not only the lintel but the extension roof as a whole had been lowered by slightly more than 200mm. This reduction in the overall height in relation to the adjoining property means that the extension mid height accords with the height shown on the approved drawings. The Committee noted this reduction, as evidenced on the photographs displayed at the meeting, and the consequent amelioration of the impact on the amenity of the residents at No. 29 and seemed to agree that no further action was necessary in respect of this element.

vii) Additional Depth of Single and Two Storey Rear Extension

2.2.14 Committee expressed concern about the additional rearward projection of the single and two storey rear extension. 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.

2.2.15 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 (relates to corner sites)”*

2.2.16 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, by approximately the depth of the additional projection, i.e. 150mm. The development site has a favourable orientation in relation to No. 33, being sited to the south-east, with a separation distance of some 2.4m.

2.2.17 In these circumstances the Officers consider that the extension has a minimal effect on light and overshadowing, and that the impact of the additional depth is, on balance, acceptable. Whilst there is, technically, a breach of the Council’s adopted guidance, this is, nevertheless, guidance and each case should be considered on its merits. The Committee is therefore asked to carefully weigh the expediency of taking enforcement action to secure strict compliance with the planning permission.

2.2.18 In respect of the other adjacent property, No. 29, the single storey rear extension directly abuts the boundary. The 200mm reduction in the overall height of the extension, to accord with the approved plans, has been noted. Given this reduction in relation to the additional depth of the extension it is suggested that this results in an acceptable impact on the adjacent property and is not materially more harmful than the approved depth of extension. Again, Committee is therefore asked to carefully weigh the expediency of taking enforcement action to secure strict compliance with the planning permission.

viii) *Additional Depth of Single Storey Front Extension*

2.2.19 Committee were advised that planning permission was granted for a front porch extension extending, 1250mm beyond the existing main front wall and 250mm beyond the existing front bay. The extension has been built to a greater depth than shown on the approved plans, namely 100mm, resulting in a finished depth of 1350mm.

2.2.20 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.”*

2.2.21 The single-storey front extension does not link into the bay window, and Committee need to consider whether the extension of 1350mm depth, as built, is sufficiently detrimental, in terms of either the appearance of the property or streetscene, or on



the amenity of neighbouring residents, than the approved extension of 1250mm depth.

2.2.22 Committee were also advised of a minor anomaly in the approved plans, in that the existing bay window is shallower than indicated in the approved plans. The bay was indicated as 1000mm deep, but is actually 890mm deep. It could be argued that the decision to grant permission was based on the assumption of a 1000mm deep bay with a relatively small forward projection of 250mm.

2.2.23 However, the only relevant consideration here is the amount by which the extension as built exceeds the depth of the extension as approved - the extension projects only 100mm beyond the depth for which permission was granted. In the Officers' view the additional depth has no material impact on visual or residential amenity, and the Committee is therefore asked to carefully weigh the expediency of taking enforcement action to secure strict compliance with the planning permission.

#### Further Representations

2.2.24 A letter has been received from a local resident objecting on the following grounds:

- The use of yellow bricks contravenes the matching materials condition on the planning permission
- The gap between the flank wall and No. 33 belongs to No. 33 and therefore could not be rendered
- The rear dormer window will allow occupants to look straight into the dormer window of No. 29
- The ground floor flank opening blocked up by the developer could be opened up in the future
- Objects to the additional depth of the front extension and the inaccurate illustration of the existing bay window
- Council Officers ignored the breach in respect of the additional depth of the rear extensions
- The mid-point height of the rear extension is still 3.128m high
- Yellow bricks are also used on the flank wall of the single storey rear extension facing No. 29
- The developer has no intention of rendering the flank wall as it is directly on the boundary
- The photo displayed at Committee, showing a gap along the boundary, was taken at a deceptive angle
- The developer has been given special treatment by the Council
- Why is the developer being helped to get retrospective planning permission?
- Every breach should be put right
- In January the developer submitted an application (P/179/06/DFU) to convert the extended building into two self-contained dwellings

2.25 A letter has been received from a planning consultant on behalf of the developer:

- Front extension will not breach the 45° guidance and retain a minimum of 5m forecourt depth
- 10cm additional depth on the front extension is indiscernible
- 15cm additional depth on single and two storey rear extension is indiscernible
- Rear extension falls well within 45° guidance
- Officers have been complicit in any decision to build at the site
- Committee's decision to seek enforcement action was purely motivated by political factors associated with mob pressure and forthcoming local elections – not sound planning reasons

### Conclusions

- 2.2.26 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.
- 2.2.27 The Committee need to give particular consideration to the expediency of undertaking enforcement action, in the areas of their greatest concern, namely, the additional 100mm depth of the single storey front extension, and the additional 150mm depth of the single and two storey rear extension. Committee is advised that each element should be considered separately in terms of its impact, rather than cumulatively.
- 2.2.28 PPG18 – Enforcing Planning Control advises:
- Para 5 3) *“...in considering any enforcement action, the decisive issue for the LPA should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest;...”*
- Para 5 4) *“...enforcement action should always be commensurate with the breach of planning control to which it relates (for example, it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site)....”*
- 2.2.29 While the action of the owner in carrying out these works contrary to the planning permission is both unsatisfactory and contrary to all good practice, it is not of itself reason to take enforcement action against the development.
- 2.2.30 The Council instead need to consider whether it is expedient to take enforcement action, in line with section 172 of the 1990 Act which provides as follows:
- “(1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them –
- (a) that there has been a breach of planning control; and

- (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.”

2.2.31 It is clear, therefore, that the LPA must have proper regard to the relevant policies, SD1, D4 and D5 in the Harrow Unitary Development Plan, and the Council's adopted Supplementary Planning Guidance when assessing the effects of the development.

### **Draft Breach of Planning Control**

2.2.32 If minded to enforce this breach could be:

- i) Without planning permission, the construction of a single storey front extension and a single and two storey rear extension.

### **Draft Reasons for Issuing the Notice**

2.2.33 “If minded to enforce against this breach the reasons could be:

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

The single storey front extension, by reason of excessive bulk and forward projection, beyond that which has been granted planning permission in application P/2928/04/DFU dated 11 January 2005, is unduly obtrusive and prominent in the streetscene, and is detrimental to the appearance of the building and visual amenity of the streetscene, contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.

The single and two storey rear extension, by reason of excessive bulk and rear projection, beyond that which has been granted planning permission in application P/2928/04/DFU dated 11 January 2005, is unduly obtrusive and overbearing, and is detrimental to the visual and residential amenities of the occupiers of the adjacent properties, contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.

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

## **2.3 Consultation**

2.3.1 Ward Councillors copied for information.

## **2.4 Financial Implications**

2.4.1 There could be an award of costs against the Council if, in the event of an appeal, the Council was unable to present sustainable reasons for undertaking enforcement action.

2.5 Legal Implications

2.5.1 Central Government circular advice is that the parties to appeals are normally expected to bear their own costs unless the conduct of a party is held to be unreasonable and, that that unreasonable conduct gives rise to the other party incurring costs which it would not otherwise have incurred. The initiation of enforcement action without being able to demonstrate sustainable reasons for doing so could be held to be unreasonable conduct.

2.6 Equalities Impact

2.6.1 None.

2.7 Section 17 Crime and Disorder Act 1998 Considerations

2.7.1 None.

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

Background Documents:

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

## APPENDIX 1



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:	Keith Burchell
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**

3.1 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.

3.3 Consultation

Ward Councillors copied for information.

3.4 Financial Implications

None at this stage.

3.5 Legal Implications

Included within the report.

3.6 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