

Meeting:	Development Control Committee
Date:	Wednesday 15 March 2006
Subject:	127A and 127B Ruskin Gardens, Kenton, 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 change of use from four flats to a mixed use, comprising of builders yard, four flats, business in the storage of commercial vehicles and the construction of a fence over 1 metre in height adjacent to the highway.

The property is currently four flats, with the surrounding land within the curtilage of the property, being used as a builders yard for the storage of building equipment and materials, and for the storage of commercial vehicles. The current use of the property is not compatible with the residential character of the surrounding area, resulting in the harmful impact on adjoining neighbours in particular the loss of amenities of neighbouring occupiers and the character of the locality, contrary to policy D4, EM22 and the more general policies SD1 and SD3 of the Harrow Council Unitary Development Plan 2004.

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 cessation of the use of the land as a builders yard and for the business of the storage of commercial vehicles.
- (ii) Permanently remove all bricks, scaffolding, ladders, steel mesh, tarpaulins, wood/timber, piping, steel, metal, framing, metal and plastic

drums/containers, metal storage container, and plastic materials drums/containers, metal storage container, chipboard, plaster, steel, metal, plastic materials and all material and equipment related to the use of the land as a builders yard from the land.

(iii) Permanently remove the commercial vehicles from the land.

(iv) Reduce the height of the fence at the front of the land, adjacent the highway to a height not exceeding one metre above ground level.

(v) The permanent removal of the materials arising from compliance with the fifth (b) (iv) requirement above.

(b) ((b)) (i) (ii) (iii) (iv) and (v) 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:

a. supply the information required by the Borough through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;

and/or

b. 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 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 occupiers properties would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

- 2.1 Planning permission HAR/3126, convert dwelling house to 2 flats was granted on 14th April 1950 and implemented.
- 2.2 Planning permission LBH/39937, two storey side extension to form two new self-contained flats, single storey rear extension to existing flat and parking in front and rear gardens, was granted 3rd August 1990 and implemented.
- 2.3 A planning contravention notice was served on 17th December 2004, no response to notice.

Background Information

- 2.4 The property is located on the northern side of Ruskin Gardens, Kenton and its junction with Honeypt Lane. The property has an access to the yard at the rear via Honeypt Lane that has planning permission (ref LBH/39937) for a double garage. Both the front and the rear garden areas of the flats are being used as an builders yard for the storage of building equipment and materials including bricks, scaffolding, ladders, steel mesh, tarpaulins, wood/timber, piping, steel, metal, framing, metal and plastic drums/containers, metal storage container, and plastic materials. The use of the property as a builders yard is unauthorised and requires permission. No planning permission has been sought or granted for the use of the property as a builders yard. The use of the builders yard includes the unauthorised storage of one green and one red Volkswagen van again, no current planning permission has been granted or sought for the storage of these vehicles. Planning permission HAR/3126 was approved for the conversion of the dwelling house to 2 flats, a further planning application was applied for and subsequently granted, (ref LBH/39937) for two storey side extension to form two additional self-contained flats, single storey rear extension to existing flat and parking in front and rear gardens.
- 2.5 The following Policies of the Harrow Council Unitary Development Plan 2004 are relevant on this occasion.
 - 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 EM22, Businesses and their environmental impact *Environmental Impact of New Business Development Policy*
 - SD3 *Mixed-Use Development* in particular section 2.65
- 2.6 Section 2.65 of the Harrow Council Unitary Development Plan 2004 states that in promoting mixed use developments, either in conversions or on redevelopment, the Council will require a satisfactory relationship to be achieved between the constituent uses and with adjoining properties and the surrounding area, such that the amenities of occupiers and nearby residents are not adversely affected. The area surrounding the flats at 127

Ruskin Gardens is predominantly semi-detached and terraced single-family dwellinghouses. The unauthorised use of the land as a builders yard has lead to the open storage of building materials, vehicles, equipment and waste materials in the front and rear garden areas. These areas are overlooked by many properties and are visible from the highway, therefore the current use of the property is not compatible with the surrounding residential character of the surrounding area, resulting in a detrimental impact to the street scene and a harmful impact on adjoining neighbours residential amenities.

- 2.7 The activities associated with the change of use are detrimental to the amenity of the neighbours as deliveries and loading equipment is occurring early in the morning and early in the evening the noise associated with the activities of the builders yard is detrimental to the surrounding neighbours, in particular adjoining neighbours. This is contrary to section 7.78 under policy EM22 that states “ new businesses which are likely to involve dangerous or noxious processes or otherwise be ‘bad neighbours’, are unlikely to be acceptable in the Borough because of the proximity of residential areas”
- 2.8 The builders yard and the factors mentioned above associated with the change of use are out of character with the residential development surrounding the land. A builders yard in its current location is not compatible with adjoining residential development and is contrary to policies EM22 and SD3.
- 2.9 The erection of a front fence over 1 metre in height adjacent to the highway requires planning permission. The open storage of commercial vehicles and existing height and style of metal mesh fencing panels are not compatible with the surrounding residential character resulting in a detrimental impact to the visual amenity of the surrounding area, contrary to Policy D4 of the Harrow Council Unitary Development Plan 2004.

3.0 **The alleged breach of planning control**

Without planning permission, the unauthorised change of use from four flats to a mixed use, comprising of builders yard, four flats, business in the storage of commercial vehicles and the construction of a fence over 1 metre in height adjacent to the highway.

3.1 **Reasons for issuing the notice**

It appears to the Council that the above breach of planning control occurred within the last 10 years, and in the case of the fence within the last 4 years.

The use of the land as a builders yard and for the storing commercial vehicles, building equipment and materials is not compatible with the residential character of the surrounding area, resulting in the harmful impact on adjoining neighbours in particular the loss of amenities of neighbouring occupiers and the character of the locality, contrary to policy

D4, EM22 and the more general policies SD1 and SD3 of the Harrow Council Unitary Development Plan 2004.

The construction of a front fence over 1 metre in height adjacent to the highway is not compatible with the surrounding residential character resulting in a detrimental impact to the visual amenity of the surrounding area, contrary to Policy D4 of the Harrow Council Unitary Development Plan 2004.

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

3.2 Consultation

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

3.3 Financial Implications

None

3.4 Legal Implications

As contained in the report.

3.5 Equalities Impact

None.

3.6 Section 17 Crime and Disorder Act 1998 Considerations

None.

Section 3: Supporting Information/ Background Documents

Planning application references HAR/3126 and LBH/39937