

Meeting:	Development Control Committee
Date:	Wednesday 15 March 2006
Subject:	Land at rear of 540 Uxbridge Road, Hatch End
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 stationing of a portacabin the provision of hard surfacing and the construction of a fence on land to the rear of 540 Uxbridge Road, Hatch End and seeks authority to initiate enforcement action for their removal.

The portacabin, hard surfacing and fencing by reason of their siting and utilitarian appearance, appears visually intrusive in the streetscene of Poplar Close and is a discordant feature within this established residential environment, to the detriment of the visual amenity and character of the locality. The portacabin, by reason of its siting, intrudes into an open space that provides significant visual relief within Poplar Close and deprives the occupiers of the adjacent flats of desirable amenity space, to the detriment of the pattern of development and residential amenity. The contrary to policies SD1, D4 and D5.

The Council does not consider that planning permission should be granted because planning conditions cannot overcome these problems. 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 removal of the portacabin.
 - (ii) The removal of the hard surfacing and lay land to turf
 - (iii) The demolition of the fence.
 - (iv) The permanent removal of the materials arising from compliance with the requirements (b) (i), (ii) and (iii).
- (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 Borough 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)

- 2.1 A planning application for the retention of portacabin for store/site office (P/2008/05/DCO) was submitted to Council. The application was refused on the 17 November 2005.
- Reason for refusal: The portacabin, by reason of its siting and utilitarian appearance, appears visually intrusive in the streetscene of Poplar Close and is a discordant feature within this established residential environment, to the detriment of the visual amenity and character of the locality.
- The portacabin, by reason of its siting, intrudes into an open space that provides significant visual relief within Poplar Close and deprives the occupiers of the adjacent flats of desirable amenity space, to the detriment of the pattern of development and residential amenity.

Background Information

- 2.2 The plot of land to the rear of 540 Uxbridge Road has access from Poplar Close. The plot of land originally formed part of the rear garden of 540 Uxbridge Road, but is separated from that property by a 1.8 metre high close boarded fence. The portacabin is adjacent to the boundary with 540 Uxbridge Road and is sited 10.2 metres from the Poplar Close Boundary. The area are of the land separated from the curtilage of the original dwellinghouse by the above fence has been hard-surfaced with the importation and deposit of stone. The site is subject to a TPO tree number 246.
- 2.3 The development is contrary to the following Policies of the Harrow Council Unitary Development Plan 2004
- Policy D4 *The standard of design and layout*
 - 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*
 - Policy D10 *Trees and New Development*
- 2.4 The portacabin measures 3.7 metres in width and 7.2 metres in length. It is supported in stilts, and its flat roof is 2.9 metres above ground level. The portacabin, hard surfacing and fencing have a negative impact on the visual appearance and character of the surrounding area. The portacabin, hardsurfacing and fencing are clearly visible as a result of a lack of effective screening from Limesdene Close, Poplar Close and adjacent residential properties. Resulting in the portacabin, hard surfacing and fencing being unduly obtrusive. This is exacerbated by the inappropriate design of the development, which has an industrial appearance, which is considered inappropriate for a residential area. It is therefore considered that the portacabin's appearance is out of character with the established pattern of development in the locality.

The alleged breach of planning control

- 2.5 Without planning permission, the stationing of a portacabin, the hard surfacing of the land and the construction of a fence.

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 portacabin, hardsurfacing and fencing by reason of their siting and utilitarian appearance, appear visually intrusive in the streetscene of Poplar Close and are a discordant feature within this established residential environment, to the detriment of the visual amenity and character of the locality. The portacabin, hardsurfacing and fencing by reason of their siting, intrude into an open space that provides significant visual relief within Poplar Close and deprives the occupiers of 540 Uxbridge Rd of desirable amenity space, to the detriment of the pattern of development and residential amenity. The contrary to policies SD1, D4 and D5.
- 2.8 The Council do not consider that Planning permission should be granted because planning conditions cannot overcome these problems.

2.9 Consultation

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

3.0 Financial Implications

None.

3.1 Legal Implications

As contained in the report.

3.2 Equalities Impact

None.

3.3 Section 17 Crime and Disorder Act 1998 Considerations

None.

Section 3: Supporting Information/ Background Documents

P/2008/05/DCO – Retention of portacabin for store/site office.