

Meeting:	Development Control Committee
Date:	Tuesday 11 April 2006
Subject:	1 Wynlie Gardens, Pinner
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 making of a material change of use from a single family dwellinghouse and outbuilding to two single family dwellinghouses and seeks authority to initiate enforcement action to cease the use of the outbuilding as a dwellinghouse.

The separate residential use of this incidental building results in an over-intensive form of occupation and an inappropriate form of development, out of character in this area which comprises two storey detached properties.

The use of the converted outbuilding allows overlooking that results in a loss of privacy that is detrimental to the amenities of the occupiers of the existing and neighbouring properties.

There is inadequate parking within the curtilage of the property and given the present highway and traffic conditions, the use of the converted outbuilding has an adverse effect on highway safety and traffic flow, contrary to policy T13 of the Harrow Council Unitary Development Plan 2004

The conversion of the detached outbuilding into a dwellinghouse does not constitute permitted development. The unauthorised development fails to protect and safeguard the character and amenity of the surrounding residential area. The conversion is contrary to policies D4, D5 and SH1 of the Harrow Council Unitary Development Plan 2004. It is therefore 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) (i) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
 - (b) (i) Cessation of the use of the detached garden building as a single-family dwellinghouse
 - (ii) the demolition of the internal ground floor walls of the detached outbuilding
 - (iii) the permanent removal from the land of all materials arising from compliance with (b) (ii) above
 - (iv) the permanent removal of all internal fixtures and fittings including all bathroom and kitchen fittings from the detached garden building
- (c) [(b)] (i), (ii), (iii) and (iv) 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 Director of Legal Services 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 occupiers of neighbouring properties would continue to be harmed.

Section 2: Report

Brief History, Policy Context (Including Previous Decisions)

2.1 WEST/655/93/FUL – Single storey side and rear extensions was granted on the 21 December 1993

2.2 Certificate of Lawful existing use P/2265/05/DCE was refused on the 14 December 2005 for outbuilding used as an annex to dwellinghouse, for the following reasons:

1. The property is a detached single-family dwellinghouse and is not located in a Conservation Area. An outbuilding is located at the end of the garden. A certificate is sought for the use of the outbuilding as an annex to the dwelling house under the Town and Country Planning (General Permitted Development) Order 1995.

2. The outbuilding is L shaped, of substantial construction with brick and render elevations under a tiled ridged roof. The ridge is 3.7m high. The building is sited more than 5 metres from the dwellinghouse. The dimensions and location of the outbuilding fall within those limited by Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

3. The outbuilding provides four rooms served from a hall area. These provide

- (i) A bedroom which is in use
- (ii) A sitting room, currently used for storage, with patio door opening onto a deck area.
- (iii) A room identified as a tea making area with kitchen facilities including a sink, refrigerator, washing machine, electric hob and storage provision.
- (iv) A bathroom with WC, sink and shower.

4. The statement accompanying the application suggest that the “tea making area” should not be considered as a kitchen, lacking an oven, freezer, microwave or food preparation or storage area. It is also stated that the occupant is a member of the household and the building merely

used as additional rooms to the house and not as a separate self-contained dwelling.

5. There is no evidence that the outbuilding has been used other than in its current use, which is a primary residential use and not a use incidental to the enjoyment for the dwelling house as such. On this basis, the provision of the outbuilding does not fall within Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, and would require planning permission.

6. Notwithstanding the above, the facilities existing on site would allow the separate occupation of the outbuilding and there is insufficient evidence to prove on a balance of probabilities that the use is not a separate self-contained residential unit, which would require planning permission

Background Information and Options Considered

2.3 The property is located on the western side of Wynlie Gardens, Pinner. The house is a large two storey family dwellinghouse with a detached outbuilding, which is located at the rear of the garden. The detached outbuilding has been converted without planning permission into a separate dwellinghouse. The unauthorised dwellinghouse has been divided up into 4 rooms each serviced by a hallway. One of the rooms (the sitting room) which is currently used for storage has access out onto a patio area. The unauthorised dwellinghouse can be accessed via the side of the main dwellinghouse. A path has been constructed in the rear garden leading onto the patio area and to the dwellinghouse. The dwellinghouses are situated 16 metres apart, domestic privacy is compromised by the presence of facing windows.

2.4 The following policies are applicable:

-Policy D4 *The standard of Design and Layout*

-Policy D5 *New Residential Development – Amenity Space and Privacy*

-Policy T13 *Parking Standards* of the Harrow Council Unitary Development Plan 2004.

-SH1 *Housing provision and housing need* of the Harrow Council Unitary Development Plan 2004.

2.5 Had the outbuilding not been erected as a single family dwellinghouse it would fall within permitted development rights as set out in class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

2.6 The outbuilding has 4 rooms all served from a hall area. The rooms include a bedroom which is in use, a sitting room, which is currently used for storage with a patio door opening onto a deck area. A 3rd room contains a bathroom with WC, sink and shower and finally the 4th room

contains kitchen facilities including a sink, refrigerator, electric hobs, washing machine and storage provision.

- 2.7 As a result of the unauthorised development, additional parking is being transferred onto the adjoining highway, which given its physical characteristics (narrow width), results in actual and potential injudicious parking, and the likely increase in parking on the neighbouring highway would be detrimental to the free flow and safety of traffic on the neighbouring highway, contrary to the requirements of policy T13 of the Harrow Council Unitary Development Plan 2004.
- 2.8 Privacy is severely compromised by the presence of facing windows and doors resulting in an intrusive and un-neighbourly degree of potential or actual mutual overlooking, contrary to Policies D4 and D5. The Council's Supplementary Planning Guidance indicates that development should be designed to ensure adequate privacy for new and existing housing. People usually have a higher expectation from the rear of the dwellinghouse and this should be taken into consideration when designing new development to minimise the potential for direct overlooking and loss of privacy to private garden areas. As a result of the development in question overlooking of the private garden area for the dwellinghouse and neighbouring properties has considerably increased to the detriment of the occupiers of neighbouring properties.
- 2.9 The converted outbuilding is objectionable in principle and results in an over-intensive and inappropriate form of development, contravening policies D4, D5 and T13 of the Harrow Council Unitary Development Plan 2004. The unauthorised development clearly fails to protect and safeguard the character and amenity of the surrounding residential area contrary to Policy SH1 of the Harrow Council Unitary Development Plan 2004.

The alleged breach of planning control

- 3.0 Without planning permission, the change of use of the land from use as a single family dwelling house and detached outbuilding to use as two single family dwelling houses.

Reasons for issuing the notice

- 3.1 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.2 The separate residential use of this incidental building result in an over-intensive form of occupation and an inappropriate form of development, out of character in this area which comprises two storey detached properties, contrary to policies D4, D5 and SH1 of the Harrow Council Unitary Development Plan 2004.

3.3 The use of the converted outbuilding allows overlooking that results in a loss of privacy that is detrimental to the amenities of the occupiers of the existing and neighbouring properties, contrary to policies D4, D5 and SH1 of the Harrow Council Unitary Development Plan 2004.

3.4 There is inadequate parking within the curtilage of the property and given the present highway and traffic conditions, the use of the converted outbuilding has an adverse effect on highway safety and traffic flow, contrary to policy T13 of the Harrow Council Unitary Development Plan 2004.

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

Consultation with Ward Councillors

3.6 Copied for information

Financial Implications

3.7 There are no financial implications at this stage

Legal Implications

3.8 As contained in the report

Equalities Impact

3.9 None

Section 17 Crime and Disorder Act 1998 Considerations

4.0 None

Section 3: Supporting Information/ Background Documents

WESt/655/93/FUL – Single storey side and rear extensions.

P/2265/05/DCE – Certificate of lawful existing use: Outbuilding use as an annex to dwellinghouse.