

Meeting:	Development Control Committee
Date:	Tuesday 11 April 2006
Subject:	7 Sancroft Road, 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 construction of a single storey side to rear and front extension and decking at 7 Sancroft Road, Harrow, and seeks authority to initiate enforcement action for the removal of the single storey rear extension and decking.

The rear extension, by reason of its excessive bulk and rearward projection, is unduly obtrusive, and give rise to loss of light and overshadowing to the detriment of the visual and residential amenities of the occupiers of adjacent property.

The rear decking allows overlooking of the rear gardens of the adjoining properties and result in an unreasonable loss of privacy to the occupiers.

The development is contrary to Policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004 and Section C *Rear Extensions* C1, C3, C4, C5 and C7 Supplementary Planning Guidance "Extensions, A Householders Guide". 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 demolition of all that part of the single storey extension that projects backwards beyond the rear building line of the original dwellinghouse.
 - (ii) the demolition of the rear decking, railings and steps.
 - (iii) the permanent removal from the land of the materials arising from compliance with the requirements in (b) (i) and (ii) above from the land.
- (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 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)

2.0 P/1192/03/DCP – Certificate of lawful proposed development: single storey rear extension, granted 11-06-2003

P/2087/03/DFU – Single storey side to rear and front extension, granted 24-10-2003

P/1536/04/DFU – Single storey side to rear and front extension (revised), refused 30-07-2004, Appeal reference 3271, dismissed 27-04-2005

Background Information and Options Considered

2.2 The property is located on the eastern side of Sancroft Road and comprises of an end of terrace dwellinghouse. The property previously had an attached garage to the side and a timber shed at the rear, which were removed prior to construction of the single storey side to rear and front extension.

In June 2003 a certificate of lawful proposed development was granted for the construction of a single storey rear extension with a volume of 47.85m³ and a depth of 3 metres, spanning the width of the dwellinghouse. Planning permission was granted in October 2003 for the construction of a single storey side to rear and front extension. The extension was to have projected rearward to a depth of 3m adjacent to the boundary with no.9 Sancroft Road, to link into the permitted single storey rear extension. The permitted single storey rear extension was required to be completed prior to the additional development as approved under planning permission reference P/2087/03/DFU.

A single storey side to rear extension has recently been constructed. It has a depth of 3.56m adjacent to no.5 and a parapet raising the flank wall to a height of 3.1m. An elevated timber terrace has been constructed to the rear of the extension. The attached mid-terrace dwellinghouse to the north, no.5, is unextended. No.9, to the south, is also an end of terrace sited away from the common boundary and has a single storey side to rear extension.

2.3 The following policies of the Harrow Council Unitary Development Plan 2004 are applicable:

-Policy D4 *The Standard of Design and Layout*.

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

-These policies are reinforced in the more general Policy, SD1 *Quality of Design*.

2.4 Section C of the Harrow Council's Supplementary Planning Guidance (SPG) *Extensions: A householders guide* states: -

C1 Rear extensions have the greatest potential for harm to the amenities of neighbouring residents. Their impact on neighbouring property and the character and pattern of development needs careful consideration. Rear extensions should be designed to respect the character and size of the house and should not cause unreasonable loss of amenity to neighbouring residents.

C3 This distance should be limited to 2.4 metres on a terraced house (a row of 3 or more houses), whether this is in the middle or end of terrace. Generally, the acceptable depth of extensions will be determined by:

- Site considerations
- the scale of the development
- impact on the amenity of neighbouring residents, and
- the established character of the area and the pattern of development

C4 In special circumstances a greater depth may be allowed where, for example:

- The extension would be sited away from an adjacent side boundary
- The rear building line is staggered
- An adjacent dwelling is sited away from such a boundary, or
- Where the neighbouring dwelling has an extension.

C5 Where a greater depth is acceptable the additional element should be set away from the boundary with an attached dwelling by twice the amount of additional depth – the “two for one” rule. Chamfering of extensions is not normally acceptable. An exception would be where a purpose-built conservatory is proposed.

C7 The height of single storey rear extensions should be minimised to restrict the impact on the amenities of 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.

- 2.5 In June 2003 the Council issued a certificate of lawful proposed development for a single storey rear extension. The extension was to have a volume of 47.85m³ and a depth of 3m adjacent to the boundary with no.5, spanning the width of the original dwellinghouse. On a terraced house the maximum depth of extension that would be acceptable with planning permission would normally be 2.4m.
- 2.6 In October 2003 the Council granted planning permission for a single storey side to rear and front extension. That extension was to have projected rearward to a depth of 3m adjacent to the boundary with number 9, to link into the permitted single storey rear extension. This should have been completed prior to the additional development to comply with the terms upon which the certificate was granted.
- 2.7 The planning application, which was subject to appeal reference P/1536/04/DFU, sought permission for a revised single storey side to rear and front extension. The forms refer to a 'proposed' extension and it was not initially clear, however, that the development had already taken place.
- 2.8 The planning inspectorate notes on the appeal decision that whilst the Council described the proposal as a single storey side to rear and front extension (revised), he was aware that planning permission had been granted for the single storey side to rear and front extension portion. He therefore dealt with the appeal as described on the planning application form as a single storey rear extension. Following the inspectorate's decision authority is sought to initiate enforcement action for the removal of the single storey rear extension only.
- 2.9 The Council's supplementary planning guidance for single storey rear extensions to terraced property set a guideline figure of 2.4m for their depth below that for semi-detached and detached dwellings in recognition of the potentially greater impact upon the amenity of neighbouring occupiers in such cases. In particular terraced houses are usually narrower than semi-detached dwellings and those in the mid-run of a terraced row do not benefit from the more spatial setting to the sides. The lower tolerances for terraced property in the Town and Country Planning (General Permitted Development) Order 1995 is further evidence of the sensitivity of such dwellings to additional development.
- 2.10 The orientation of no.7 Sancroft Road, north of no.5 is such that the single storey rear extension inevitably creates additional overshadowing at the rear of no.5. However, it is considered that the extension unreasonably curtails light reaching the rear of no.5, results in excessive overshadowing of the same, and appears unduly bulky when viewed from within no.5 and its adjacent rear garden, to the detriment of the residential amenity of the occupiers of no.5.
- 2.11 The rear decking allows overlooking of the rear gardens of the adjoining properties and results in an unreasonable loss of privacy to the occupiers. The provision of screen fencing at the side simply increases the visual impact to the neighbours.

- 2.12 The development as constructed, exceeds the properties permitted development rights and therefore allows full control of the depth of the development adjacent to no.5. The depth of the appeal scheme (3.5m or 3.56m as built) exceeds even that which would otherwise have been permitted development or would be acceptable adjacent to the boundary of an unextended semi-detached dwelling.

The alleged breach of planning control

- 2.13 Without planning permission, the construction of a single storey side to rear and front extension and decking.

Reasons for issuing the notice

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

The rear element of the single storey extension, by reason of its excessive bulk and rearward projection, is unduly obtrusive, and give rise to loss of light and overshadowing to the detriment of the visual and residential amenities of the occupiers of adjacent property, contrary to Policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004, and Section C *Rear Extensions* C1, C3, C4, C5 and C7 Supplementary Planning Guidance "Extensions, A Householders Guide".

The rear decking allows overlooking of the rear gardens of the adjoining properties and results in an unreasonable loss of privacy to the occupiers, contrary to Policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.

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

Consultation

- 3.0 -Ward Councillors copied for information
-Director of Legal Services
-Director of Financial Services

Financial Implications

- 3.1 None.

Legal Implications

- 3.2 As contained in the report.

Equalities Impact

- 3.3 None.

Section 17 Crime and Disorder Act 1998 Considerations

3.4 None

Section 3: Supporting Information/ Background Documents

Appeal reference 3271, dismissed 27-04-2005

P/1536/04/DFU – Single storey side to rear and front extension (revised), refused 30-07-2004

P/2087/03/DFU – Single storey side to rear and front extension, granted 24-10-2003

P/1192/03/DCP – Certificate of lawful proposed development: single storey rear extension granted, 11-06-2003