

Meeting:	Development Control Committee
Date:	Wednesday 7 June 2006
Subject:	7 Lansdowne Road, Stanmore
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	Rebecca Phillips
Portfolio Holder:	To be confirmed
Enclosures:	Site Plan
Key Decision:	No
Status	Part 1

Section 1: Summary

This report relates to the unauthorised construction of a single storey rear canopy at 7 Lansdowne Road, Stanmore, and seeks authority to initiate enforcement action for the removal of the single storey rear canopy.

The rear canopy, by reason of its size, design and siting, is obtrusive and unneighbourly in relation to adjacent residential properties, giving rise to losses of outlook and amenity, and is detrimental to the appearance and character of the area.

The development is contrary to Policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004 and Section C *Rear Extensions* C1, C2, 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 single storey rear canopy.

(ii) The permanent removal from the land of the materials arising from compliance with the requirements in (b) (i) above.

(c) [(b)] (i) and (ii) 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 LBH/33296 – Single storey front and rear, first floor side extension, granted 04-09-1987

EAST/399/97/FUL – Side and rear dormer windows, refused 16-06-1997

P/46/06/DCO – Retention of rear canopy, refused 02-03-2006

Reasons for refusal: The canopy, by reason of its size, design and siting, is obtrusive and unneighbourly in relation to adjacent residential properties giving rise to losses of outlook and amenity, and is detrimental to the appearance and character of the area.

Background Information and Options Considered

2.1 The property is located on the northern side of Lansdowne Road and comprises a detached dwellinghouse and garage. The property has been previously extended at the rear of the dwellinghouse prior to the construction of the single storey rear canopy. The adjacent property no.5 Lansdowne Road has no previous extensions while no.9 Lansdowne Road has a single storey rear extension (conservatory).

2.2 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*.

2.3 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.

C2 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.

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.

- 2.4 The property owners constructed, a canopy made of wooden pillars with a translucent roof over. The site had an existing single and 2 storey extension to the rear from the original rear wall of the house with a depth of 3.3m. The canopy projects a further 3.9m deep from the extended rear wall of the dwellinghouse. The canopy spans the whole width of the house and has a flat roof with a maximum height of 2.56m. The canopy projects above the side fence, extends over 6m beyond the rear wall of no.5, and runs adjacent to an open area at no.9 Lansdowne Road.
- 2.5 The structure is light and the sides are open, however the projection of the canopy is contrary to the Council’s supplementary planning guidance as listed above for single storey rearward projections, adjacent to boundaries. The additional element does not respect the character and size of the houses or development within the locality and increases the rear projection to an unacceptable degree. It is not considered that the additional extension complements its surroundings and does not have a satisfactory relationship with adjoining buildings. It is not considered that the extension has regard to the scale and character of the surrounding environment.
- 2.6 The canopy does not constitute permitted development in accordance with Class A (a) (ii) of the Town and Country Planning (General Permitted Development) Order 1995. Planning permission for the retention of the rear canopy has been refused.

The alleged breach of planning control

- 2.7 Without planning permission, the construction of a single storey rear canopy.

Reasons for issuing the notice

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

The rear canopy, by reason of its size, design and siting, is obtrusive and unneighbourly in relation to adjacent residential properties giving rise to losses of outlook and amenity, and is detrimental to the appearance and character of the area, contrary to Policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004, and Section C *Rear Extensions*

C1, C2, C5 and C7 Supplementary Planning Guidance “Extensions, A Householders Guide”.

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

Consultation

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

Financial Implications

- 2.11 None.

Legal Implications

- 2.12 As contained in the report.

Equalities Impact

- 2.13 None.

Section 17 Crime and Disorder Act 1998 Considerations

- 2.14 None

Section 3: Supporting Information/ Background Documents

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