

Meeting:	Development Control Committee
Date:	Wednesday 7 June 2006
Subject:	32 Rusland Park Road, Harrow
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 two/ three storey side to rear, single storey front to side and rear extensions and rear dormer at 32 Rusland Park Road, Harrow, and seeks authority to initiate enforcement action for the removal of the two/ three storey side to rear, single storey front to side and rear dormer extension.

The rear dormer roof extension, by reason of its excessive size and bulk, is unduly obtrusive and overbearing, detracting from the appearance of the property and adjacent properties to the detriment of the residential amenities of neighbouring properties.

The two/ three storey side to rear extension, incorporating a hip to gable roof extension, by reason of excessive bulk, prominent siting, rearward projection and unsatisfactory design is unduly obtrusive, resulting in a loss of light and overshadowing, to the detriment of the visual and residential amenities of the occupiers of the adjacent properties, detrimental to the street scene.

The development is contrary to Policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004. It is recommended that an enforcement notice be served.

The single storey front and rear extensions require planning permission but comply with the criteria of the Harrow Council Supplementary Planning Guidance 'Extensions a Householders Guide' March 2003. However, should the side to

rear extension be removed the remaining front to side extension would appear out of character with its surroundings. As such, any Enforcement Notice requiring the removal of the side to rear extension should also require the removal of the front to side extension.

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 the two/ three storey side to rear extension.
 - (ii) The demolition of the hip to gable roof extension.
 - (iii) The demolition of the front to side single storey extension
 - (iv) The demolition of the rear dormer roof extension.
 - (v) The permanent removal from the land of the materials arising from compliance with the requirements in (b) (i), (ii), (iii), and (iv) above.
- (c) [(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:
 - (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)

2.1 P/326/03/DFU – Two storey side to rear, single storey front extension and single storey rear extension, granted 23-7-2003

P/2937/05/DCO – Retention of 2/3 storey side to rear, single storey front side and rear extensions, rear dormer, refused 30-1-2006

Reason for refusal: The extensions at roof level, by reason of excessive size and bulk, are unduly obtrusive and overbearing, detract from the appearance of the property and adjacent properties and is detrimental to the amenities of neighbouring properties.

The side to rear extension, by reason of its excessive bulk, rearward projection and unsatisfactory design, is unduly obtrusive in the streetscene, resulting in a loss of light and overshadowing, and is detrimental to the visual and residential amenities of the occupiers of neighbouring properties.

Background Information and Options Considered

2.2 The property is located on the eastern side of Rusland Park Road and comprises a semi detached dwellinghouse with outhouse at the rear of the garden. In July 2003 Council granted planning permission for the construction of a two storey side to rear, single storey front extension and single storey rear extension. The property owner built outside the bounds of the approved planning permission and as a result a subsequent planning application was submitted, and refused, for the retention of the two/ three store side to rear, single storey front side and rear extensions and rear dormer. The adjoining dwelling at number 30 Rusland Park Road has been extended extensively while the adjoining dwelling at number 34 has had a garage extension.

2.3 The following policies are applicable:

-Policy D4 *The Standard of Design and Layout* of the Harrow Council Unitary Development Plan 2004.

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

-Section 2 - Design principles and elements

2.1, 2.2, 2.3 and 2.6 of the Harrow Council's Supplementary Planning Guidance (SPG) *Extensions: A Householders Guide March 2003*

-Section 3 – Amenity considerations

3.2, 3.4 and 3.12 of the Harrow Council's Supplementary Planning Guidance (SPG) *Extensions: A Householders Guide March 2003*

-Section 4 – Detailed guidelines

B1, B2, B8, C9, D3, D4, D5 and D6 of the Harrow Council's Supplementary Planning Guidance (SPG) *Extensions: A Householders Guide March 2003*

2.4 The two/ three storey side to rear extension is attached to the dwellinghouses northern flank, to a width of 2.2 metres to abut the boundary with number 34 Rusland Park Road. The roof over the extension is to the full ridge height of the main roof and its end has been gabled. Both of the features are considered unacceptable, increasing the bulk and size of the property to the detriment of the character of the street scene. The original dwellinghouse had a hipped roof, which is typical of the character of the area. The two to three storey extension along the flank wall of the dwellinghouse is accompanied by what is effectively an infill hip to gable roof extension to the original roof. The resulting development is considered unduly bulky, is out of proportion, and thereby not subordinate to the original dwellinghouse, and encourages a terracing effect. The extension runs from the extended roof ridge height with a flat roof to project 3.4 metres beyond the rear of the dwelling, forming a third floor at the rear of the dwelling.

The design and bulk of the extension is considered to be contrary to all of the above stated policies. The addition of a third floor is inconsistent with the character of the surrounding area and is visually obtrusive, overbearing and at the depth to which it projects the extension conflicts significantly with the 45 degree guideline in relation the adjacent dwelling at number 34 Rusland Park Road, causing an unacceptable level of overshadowing on its rear as well as undue impact on the amenity and enjoyment of the adjoining property.

2.5 The rear dormer almost fills the entire rear roof slope. It is attached to the flank of the 3 storey extension and has no set back from the roof eaves. It is considered that the dormer is not a subordinate feature in the roof and

- is of excessive size and bulk and is obtrusive and overbearing. The SPG notes that the roof form of a house is a significant part of the character of an area. Any alterations may significantly alter the appearance of a house and their effect on the roof form needs careful consideration. Roof alterations and dormer windows need to complement the original street character and not dominate buildings or impair their proportions or character. It is considered that the dormer as built detracts from the appearance of the area and is detrimental not only to the street character but to the residential amenities of neighbouring properties.
- 2.6 Whilst the single storey rear extension requires planning permission it complies with the criteria set out in the SPG. The single storey rear extension has been constructed to the same depth as that of the 3 storey rear element 3.4 metres. The adjoining dwelling at number 30 has extended extensively at the rear to an overall depth of approximately 5.5 metres on the boundary with the applicants property. It is hence considered that the applicant's extension, with a pitched roof over to a mid-point height of 3.3 metres, would not impose any undue impact on the amenity of this adjoining dwelling. In such circumstances planning policy guidance note 18, enforcement advises while it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, and enforcement notice should not normally be issued solely to "regularise" development which is acceptable on its planning merits, but for which permission has not been sought.
- 2.7 The single storey front extension also requires planning permission but like the rear extension it complies with the criteria of the SPG. However, it will be out of keeping with the dwelling and street scene if the two/ three storey side to rear extension is removed.
- 2.8 The unauthorised development is of an unsatisfactory design, it is excessive in size and bulk, obtrusive, overbearing and detracts from the appearance of the property, to the detriment of the residential amenities of the occupiers of neighbouring properties and is detrimental to the character of the street scene, contrary to Policies SD1, D4, D5 of the Harrow Council Unitary Development Plan 2004.

The alleged breach of planning control

- 2.9 Without planning permission, the 2/3 storey side to rear, single storey front side and rear dormer extensions.

Reasons for issuing the notice

- 3.0 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.1 The rear dormer roof extension, by reason of its excessive size and bulk, is unduly obtrusive and overbearing, detracting from the appearance of the property to the detriment of the residential amenities of the occupiers of neighbouring properties and is detrimental to the character of the street

scene. The development is contrary to Policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.

3.2 The two/ three storey side to rear and front extension, incorporating a hip to gable roof extension by reason of excessive bulk, prominent siting, rearward projection and unsatisfactory design are unduly obtrusive, resulting in a loss of light and overshadowing to the detriment of the amenities of the occupiers of the adjacent properties detrimental to the street scene. Contrary to Policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.

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

Consultation

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

Financial Implications

3.5 None.

Legal Implications

3.6 As contained in the report.

Equalities Impact

3.7 None.

Section 17 Crime and Disorder Act 1998 Considerations

3.8 None

Section 4: Supporting Information/ Background Documents

P/326/03/DFU – Two storey side to rear, single storey front extension and single storey rear extension, granted 23-7-2003

P/2937/05/DCO – Retention of 2/3 storey side to rear, single storey front side and rear extensions, rear dormer, refused 30-1-2006