

Meeting:	Development Control Committee
Date:	7 June 2006
Subject:	65 Langland Crescent, 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 unauthorised construction of a rear canopy at 65 Langland Crescent, Harrow, and seeks authority to initiate enforcement action.

The timber canopied structure, by reason of its excessive depth, design and materials is considered to be unduly obtrusive, overbearing and results in unreasonable overshadowing, causing detriment to the amenity of neighbouring occupiers and the character of the locality. The development is contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan.

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 timber canopy structure.
 - (ii) The permanent removal from the land of the materials arising from compliance with the first requirement (b) (i) above.
- (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 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 -EAST/88/02/FUL – Single storey front side and rear extension, granted 20-2-2002
- EAST/1187/02/FUL – Single storey front, side and rear extension (revised), granted 6-11-2002
- P/2943/03/DCO – Retention of canopy at rear, refused 15-3-2004
- P/2327/05/DFU - Invalid

Background Information and Options Considered

2.1 The property is located on the eastern side of Langland Crescent. The site contains a two-storey semi detached dwellinghouse. The property has been previously extended under planning permission reference EAST/1187/02/FUL. The extension includes a single storey front, side and rear extension. The unauthorised rear canopy extension is located to the rear of the authorised single storey rear extension. The property contains a utilities building located 1.6m to the rear of the dwellinghouse and an outbuilding in the rear of the garden located further than 5m from the rear wall of the utilities building.

2.2 The following policy 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 policies 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.

- 2.4 The property owners constructed, without planning permission, a canopy made of wooden pillars partly covered with a translucent polycarbonate roof over. The use of these materials are deemed to be visually inappropriate in this residential locality. The site has an existing single storey front, side and rear extension which projects 3.6m in depth from the original wall of the dwellinghouse. The canopy projects a further 4.6m from the rear of the single storey rear extension, bringing the total rearward projection to 8.2m out from the original wall of the dwellinghouse. The canopy spans 8m in width but shortens to a width of 5m abutting the utilities building which is located 1.6m to the rear of the dwellinghouse. The canopy has a maximum height of 2.7m lowering to 2.5m.
- 2.5 As stated above the canopy projects 4.6m rearward from the dwellinghouse, combined with the existing lawful extension the total rearward projection is 8.2m which is more than twice the depth recommended by the Council's Supplementary Guidance. The neighbours at no67 have not previously extended their property, the significant depth acts to enclose the area of rear garden directly adjacent to the no.67 rear main wall to an unacceptable level, causing sever loss of light to the nearest window to this boundary on the ground floor level serving a dining room and resulting in a overbearing impact on the adjoining property. Adjacent neighbours at no.63 suffer significantly less impact due to the existence of a rear garage on this boundary. In the space between the dwellings rear wall and the rear garage there is a single storey rear extension. However, the applicant's overdevelopment of the site can be viewed from this neighbours rear amenity and is therefore considered to adversely impact upon the visual appearance of this neighbour's amenity. Due to the construction of the rear canopy the property's garden depth has been reduced to approximately 12m. This has been further reduced by the construction of an outbuilding in the rear garden. This is considered to be inadequate for a dwelling of this type.
- 2.6 It is considered that the rear canopy represents overdevelopment of the property resulting in deprivation to the amenity of neighbouring properties. It is also considered that the development detracts from the character of the surrounding area, contrary to Policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.
- 2.7 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

- 2.5 Without planning permission, the construction of a rear timber canopy.

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 timber canopied structure, by reason of its excessive depth, design and materials is considered to be unduly obtrusive, overbearing and results in unreasonable overshadowing, causing detriment to the amenity of occupiers of neighbouring properties and the character of the locality. The development is contrary to policies SD1, D4 and D5 of the Harrow Council Unitary Development Plan 2004.
- 2.8 The Council does not consider that planning permission should be granted because planning conditions cannot overcome these problems.

Consultation

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

Financial Implications

- 2.10 None.

Legal Implications

- 2.11 As contained in the report.

Equalities Impact

- 2.12 None.

Section 17 Crime and Disorder Act 1998 Considerations

- 2.13 None.

Section 3: Supporting Information/ Background Documents

- EAST/88/02/FUL – Single storey front side and rear extension, granted 20-2-2002
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