

Meeting:	Development Control Committee
Date:	7 <sup>th</sup> June 2006
Subject:	71 Bouverie Road, Harrow
Responsible Officer:	Group Manager Planning and Development
Contact Officer:	David McPherson
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 detached garden building at 71 Bouverie Road, Harrow, and seeks authority to initiate enforcement action for its removal.

The property is located in a residential area with the garden building positioned in a prominent position on the elbow corner of Bouverie Road. The unauthorised garden building is situated to the side of the house, forward of the dwellinghouse building line therefore it does not constitute permitted development in accordance with the Town and Country Planning (General Permitted Development) Order 1995. The garden building's prominent location is also forward of the building line of the adjacent property on the west. By reason of its sitting, height and design has a discordant, obtrusive appearance, and when viewed from the street scene is detrimental to the visual amenity of the locality, contrary to policies SD1 and D4 of the *Harrow Council Unitary Development Plan 2004* and Detailed Guidelines, Front Extensions: A.1, A.2 and Corner Sites: B.15 of the *Extensions: A Householders Guide, Supplementary Planning Guidance*. 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 the detached garden building.
  - (ii) The permanent removal from the land of the materials arising from compliance with the requirement in (b) (i) above.
- (c) [(b)] (i) and (ii) should be complied with within a period of one (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 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.
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## Section 2: Report

### Brief History, Policy Context (including Previous Decisions)

- 2.0 - LBH/9116 - Demolish existing garage to erect 2-storey side extension, new front entrance porch and detached domestic garage at side; granted 30-08-1973. Not Implemented  
- P/481/04/DFU – Two-storey side, single-storey front extension (revised); granted 13-04-2004. Implemented  
- ENF/788/04/P – Construction of new garden building.

### Background Information and Options Considered

- 2.1 The property is located on the inside of a corner in Bouverie Road, where the road runs opposite the railway line. The property comprises one of a pair of semi-detached dwellinghouses with a two-storey side and single-storey front extensions.

Being a corner property, the dwellinghouse has a substantial side garden that abuts Bouverie Road on both its front and side boundaries. The detached garden building is prominently located in the front corner of the side garden. The boundary wall is approximately 2.8 metres high, rendered in a white colour and approximately 7.75 metres long, wrapping around the inside bend in Bouverie Road. The garden building projects 2.7 metres forward of the dwellinghouse building line and is 2.5 metres forward of the front building line of adjacent property, 69 Bouverie Road.

- 2.2 The Development is contrary to the following relevant policies:

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

-This policy is reinforced in the more general Policy, SD1 *Quality of Design* of the Harrow Council Unitary Development Plan 2004.

-Section 4 – Detailed Guidelines

B.15, B.17, E.1 and E.2 of the Harrow Council's Supplementary Planning Guidance (SPG) *Extensions: A Householders Guide march 2003*

-Class E of The Town and Country Planning Act (General Permitted Development) Order 1995.

- 2.3 The garden building does not constitute permitted development in accordance with class E (b) of the Town and Country Planning (General Permitted Development) Order 1995.
- 2.4 The Dwellinghouse is located in a residential area of terraced or semi-detached dwellinghouses. The street scene consists of uniform building lines along separate sections of the zigzagging road. The Garden building does not reflect the pattern of development in the street scene, as the protruding nature of the garden building, located on the elbow corner, interrupts the established character and building lines of the street scene adding excessive bulk and negative visual impact.
- 2.5 The predominant boundary treatment in Bouverie Road tends to be fences approximately 1 metre in height and/or hedgerow. The use of the walls of the garden building as boundary treatment for the property is has a detrimental impact of the street scene combined with the walls being rendered a white colour increasing the negative impact and prominent siting of the building by not suppressing the buildings utilitarian feel. The garden building, by reason of its siting, appears as a discordant form of development in the street scene and when viewed from surrounding properties to the detriment of the visual amenity of the locality and street scene.
- 2.6 Adjacent property, 69 Bouverie Road is situated on the southeast boundary of 71 Bouverie Road. The detached garden building is prominently located in the front corner of the side garden, it's prominent sitting extends forward of the front building line of 69 Bouverie Road by 2.5 metres. The prominent sitting and bulky design is un-neighbourly and has a detrimental impact on the amenity of adjacent property, 69 Bouverie Road.
- 2.7 The garden building, by reason of its height, position and design, has a discordant, obtrusive appearance, to the detriment of the visual amenity and character of the street scene as a whole and has a detrimental impact on the amenity of the occupiers of neighbouring properties.

### **The alleged breach of planning control**

- 2.8 Without planning permission, the erection of a detached garden building

### **Reasons for issuing the notice**

- 2.9 It appears to the Council that the above breach of planning control occurred within the last 4 years.
- 3.0 The detached garden building, by reason of its prominent siting, and design has a discordant, obtrusive appearance, when viewed from

surrounding properties and the street, it is detrimental to the visual amenity of the locality and the character of the street scene, contrary to policies SD1 and D4 of the *Harrow Council Unitary Development Plan 2004* and Detailed Guidelines, Front Extensions: A.1, A.2 and Corner Sites: B.15 of the *Extensions: A Householders Guide, Supplementary Planning Guidance*, Revised and Approved 18<sup>th</sup> March 2003

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

#### **Consultation**

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

#### **Financial Implications**

- 3.3 None.

#### **Legal Implications**

- 3.4 As contained in the report.

#### **Equalities Impact**

- 3.5 None.

#### **Section 17 Crime and Disorder Act 1998 Considerations**

- 3.6 None

### **Section 3: Supporting Information/ Background Documents**

- P/481/04/DFU – Two-storey side, single-storey front extension (revised); granted 13-04-2004.