

Meeting:	Development Management Committee
Date:	28 th February 2007
Subject:	35 Mount Drive, North Harrow, HA2 7RW
Key Decision: (Executive-side only)	No
Responsible Officer:	Group Manager, Planning and Development
Portfolio Holder:	Planning, Development and Enterprise
Exempt:	No
Enclosures:	Site plan

SECTION 1 – SUMMARY AND RECOMMENDATIONS

This report relates to the unauthorised erection of a single storey rear extension at 35 Mount Drive, Harrow. The extension does not benefit from planning permission, has been erected within the last four years and exceeds permitted development limitations.

The rear extension by reason of its excessive bulk and depth, is harmful to the residential amenities of the occupiers of adjoining properties, causing an unacceptable loss of light and overshadowing, and is also detrimental to the visual amenity of the surrounding area. The excessive height and depth is out of character with this residential locality, characterised by modest rear extensions. This is amplified by the fact that the adjoining properties do not have rear extensions.

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 and C7 Supplementary Planning Guidance “Extensions, A Householders Guide”. It is recommended that an enforcement notice be served, requiring the demolition of the unauthorised extension.

RECOMMENDATIONS:

Having regard to the provisions of the Unitary Development Plan and all other material planning considerations (in accordance with Section 172 of the Town and Country Planning Act 1990 (as amended), the Council be authorised to:

- (a) Take all necessary steps for the preparation, issue and service of an Enforcement Notice requiring within three calendar months;
 - (i) The demolition of the rear extension.
 - (ii) The removal from the land of the materials arising from compliance with the requirements in (a) (i) above.

- (b) In the event of non-compliance with the above enforcement notice, to;
 - (i) Institute legal proceedings, should it be considered in the public interest to do so, pursuant to Section 179 of the Town and Country Planning Act 1990.
 - (ii) Carry out works in default, should it be considered in the public interest and also financially viable to do so, under the provisions of Section 178 of the Town and Country Planning Act 1990.

SECTION 2 - REPORT

2.1 The site that is the subject of this report, 35 Mount Drive, North Harrow, consists of a two-storey semi-detached dwellinghouse located on the northern side of this predominantly residential street, comprising semi-detached dwellinghouses.

2.2 Planning permission was granted for a two-storey side; single-storey front and rear extension and rear dormer, on the 19th December 2005 (ref

P/2755/06/DFU) and these extensions have subsequently been erected. The adjacent properties at number 33 and 37 do not have rear extensions.

2.3 The Council received a complaint on the 20th February 2006 alleging that the single-storey rear extension being constructed was not in accordance with the plans approved by the grant of planning application reference P/2755/06/DFU. Subsequent enforcement investigations verified this allegation and established that a breach of planning control had occurred.

2.4 A retrospective planning application (ref P/724/06/DFU) was subsequently submitted on 20th March 2006 for the retention of the single-storey rear extension as built. This application was refused on 31st May 2006 for the following reason;

'The rear extension, by reason of excessive bulk and rearward projection, is unduly obtrusive, results in loss of light and overshadowing, and is detrimental to the visual and residential amenity of the occupiers of the adjacent property'.

2.5 An appeal was subsequently lodged with the Planning Inspectorate (ref APP/M5450/ A/2023390/WF) against this refusal of planning permission. To date no action has been taken to remedy the breach of planning control.

2.6 The expediency of enforcement action has been assessed with reference to guidance contained in PPG18 and Circular 10/97, both entitled 'Enforcing Planning Control'.

2.7 Expediency has also been assessed with regard to the statutory Development Plan, which for the Borough consists of the London Plan (adopted February 2004) and the Unitary Development Plan (U.D.P.), which was formally adopted in July 2004. U.D.P. policies that are relevant to this report include;

- Policy D4 (The Standard of Design and Layout)
- Policy SD1 (Quality of Design)
- Policy D5 (New Residential Development – Amenity Space & Privacy)

2.8 Also of relevance is the Council’s Supplementary Planning Guidance, in this case Extensions: A Householders Guide, Section C, relating to rear extensions.

2.9 The table below outlines the differences between the approved dimensions under planning permission reference P/2755/05/DFU and what has been constructed on site.

	Dimensions as approved	Dimensions as built
Width	8.6 metres	8.35 metres
Depth	3.0 metres	3.6 metres
Height	Hipped roof design – 2.8 metres on the boundary	Sloping roof design – 2.88 metres rising to 3.64 metres (avg 3.26 metres)

2.10 The single-storey rear extension constructed is 0.6 metres deeper than approved and has a pitched roof with an average height of 3.26 metres on the neighbouring boundary, compared with the approved 2.8 metres. The extension is set back from the neighbouring boundary with number 33, although it directly abuts the neighbouring boundary with number 37.

2.11 The extension does not conform to the adopted policies and guidelines referred to above. The Council’s Supplementary Planning Guidance note C2 states that a single storey rear extension would normally be acceptable up to a depth of 3 metres. In circumstances where the extension is set back from the boundary or the neighbouring property has a rear extension, a greater depth may be acceptable, although this does not apply in this case. Supplementary Planning Guidance note C7 states that rear extensions with a pitched roof would normally be acceptable with a height of 3.0 metres at the mid point. The finished height of 3.26 metres at the mid point exceeds this guidance.

- 2.12 It is considered that the extension has no regard to the scale and character of the surrounding environment, resulting in an unreasonable loss of light/overshadowing to the habitable rooms and gardens of the neighbouring properties due to excessive depth and height, contrary to policies D4 and D5 of the Unitary Development Plan 2004. This is amplified by the adjoining properties not having rear extensions. The orientation of the extension is such that it casts much of the garden and rear windows of number 33 in shade for long periods.
- 2.13 The property is easily seen from the rear windows of the adjoining properties resulting in a feeling of overbearing amplified by its close proximity to the neighbouring boundaries. The extension fails to respect its setting in this residential locality and has an unsatisfactory relationship with adjoining properties, contrary to policy D5 of the Unitary Development Plan 2004.
- 2.14 The extension as built fails to respect the character and size of the houses or development within this residential locality and increases the rear projection to an unacceptable degree, contrary to policy D4 of the Unitary Development Plan 2004.
- 2.15 Accordingly enforcement action is recommended to secure the removal of the unauthorised single-storey rear extension, and such action would be entirely consistent with the previous application decision. Given that substantial works would be needed to rectify the development so as to bring it into line with the approved dimensions under planning permission P/2755/05/DFU, it is considered that removal of the whole development is justified.
- 2.16 The recipient of an enforcement notice can appeal against it to the Planning Inspectorate under Section 174 of the Town and Country Planning Act 1990.

SECTION 3 - STATUTORY OFFICER CLEARANCE

Chief Finance Officer	<input type="checkbox"/>	Name:.....Sheela Thakrar.....
Date: 13 February 2007.....		
Monitoring Officer	<input type="checkbox"/>	Name: David Galpin
Date: ...13 February 2007.....		

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Nicholas Ray (Nicholas.ray@harrow.gov.uk) tel. 0208 736 6187

Background Papers

- Unitary Development Plan
- Supplementary Planning Guidance – Householder extensions

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO
3.	Manifesto Pledge Reference Number	

Site Plan - 35 Mount Drive

