

Meeting:	Development Management Committee
Date:	28 February 2007
Subject:	37 Norwood Drive, Harrow
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**

- 1.1 This report relates to the unauthorised conversion of a single-family dwellinghouse into 7 flats, each with its own kitchen and bathroom facilities. The use of this building for seven (7) studio flats, results in an over-intensive form of occupation and an inappropriate form of development, out of character in this area, which comprises mainly of two storey semi-detached dwellinghouse.
  
- 1.2 Furthermore this unauthorised change of use results in inadequate parking within the curtilage of the property and given the increased pressure on on-street parking and traffic flow, the use of the additional dwellinghouse has an adverse effect on highway safety and traffic flow, contrary to policies H9 and T13 of the Harrow Council Unitary Development Plan 2004.

- 1.3 This report seeks Members' Authority, having regard to the provisions of the Unitary Development Plan and all other material planning considerations, to serve an Enforcement Notice requiring the cessation of the use of the property as 2 self-contained flats.

**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) ("T&CPA 1990"), 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 permanent cessation of the use of the property as seven (7) self-contained flats.
  - (ii) The permanent removal of six (6) bathrooms from the property.
  - (iii) The permanent removal of six (6) Kitchens from the property.
  - (iv) The permanent removal from the land all materials and debris arising from compliance with requirements (ii & iii).
  
- (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 T&CPA 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 T&CPA 1990

## SECTION 2 - REPORT

### BACKGROUND

- 2.1 The site that is the subject of this report, 37 Norwood Drive, Harrow, consists of a two-storey semi-detached property located on the southern side of this predominantly residential street, comprising mainly semi-detached dwellinghouses with symmetrical design elements. The lawful use of this property as stated in the Town and Country Planning (Use Classes) Order 1987 is class C3 - a dwellinghouse.
- 2.2 The property has a fair sized rear garden area of approximately 144 square metres, whilst the entire front of the property has hardstanding.
- 2.3 The dwellinghouse has been extended, by the way of a *single storey front; first floor side; single and two storey rear extensions and rear dormer*. This planning permission has been implemented, following the grant of planning application reference P/1973/04/DFU in September 2004.
- 2.4 In September 2005, the Council received a complaint alleging the installation of kitchenettes and showers in 7 rooms intended for bed-sit use without the benefit of planning permission.
- 2.5 Subsequent enforcement investigations have established that the property has been converted into seven self-contained flats, each with their own bathroom and kitchen. Additionally the property has no communal facilities. This unauthorised change of use is a breach of planning control.
- 2.6 Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 defines a dwellinghouse:
- *Use as a dwellinghouse (whether or not as a sole or main residence)*
    - a) *By a single person or people living together as a family, or*
    - b) *By not more than 6 residents living together as a single household.*

2.7 In order to obtain further information, a Planning Contravention Notice was issued in January 2006. In response to this Notice, an agent representing the owner wrote to the Council indicating that a planning application proposing the conversion of the property into 3 flats would be submitted.

2.8 However, despite several letters and conversation with the owners of the property, no action has been taken to either remedy or attempt to regularise this breach of planning control.

### **ANALYSIS**

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

2.10 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 D5 (New Residential Development – Amenity Space and Privacy)
- Policy SH1 (Housing Provision and Housing Need)
- Policy T13 (Parking Standards)
- Policy H9 (Conversion of Houses & Other Buildings to Flats)

2.11 The use of the property as 7 flats is objectionable in principle and results in an over-intensive use of the property which, by reason of associated disturbance and the general activity of seven 7 units within this property, detracts from the residential amenities of the occupiers of neighbouring properties and is out of character with the locality, therefore contravening policies D4, D5 and T13 of the Harrow Council Unitary Development Plan 2004.

- 2.12 Only two (2) of the three (3) flats located on the ground floor have access to the rear garden. The other five (5) flats have no amenity space other than the hardstanding area at the front. The unauthorised use therefore makes no provision for access to the rear garden from the first and second floor flats and thus provides an inadequate standard of amenity for the future occupiers thereof, contrary to Policy SH1 and H9 of the Harrow Council Unitary Development Plan 2004.
- 2.13 The hardstanding at the front is accessible via drop curbs from Norwood Drive, and provides legal off street parking for a maximum of one (1) vehicle. Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's requirements in respect of the development.
- 2.14 As a result of the unauthorised change of use, additional parking will be transferred onto the adjoining highway, which given its physical characteristics (narrow width and presently limited parking available), results in actual and potential injudicious parking, and the likely increase in parking on the neighbouring highway would be detrimental to the free flow and safety of traffic on the neighbouring highway, contrary to the requirements of policies T13 & H9 of the Harrow Council Unitary Development Plan 2004.
- 2.15 Additionally the property is not located within close proximity to public transport links. As stated in the previous paragraphs, the hardstanding at the front provides legal off street parking for a maximum of one (1) vehicle, as such, sufficient parking allocation for 7 self-contained flats cannot be provided within the curtilage of this property and would increase the level of on-street parking in the vicinity. This increase in on-street parking would not be acceptable in relation to traffic free flow and safety considerations in the street.

## SUMMARY AND CONCLUSION

- 2.16 The Conversion of the property into 7 self-contained units (flats) does not comply with the Council's adopted Unitary Development Plan and Supplementary Planning Guidance. Additionally the Council does not consider planning permission should be granted for the use as conditions would not overcome the objections.
- 2.17 Accordingly enforcement action is recommended to ensure the cessation of the use of the property as flats and the removal of six (6) bathrooms and six (6) kitchens from the property.
- 2.18 The appellant however may appeal the notice to the Planning Inspectorate and in addition could be awarded cost if it is concluded on appeal that there is any form of unreasonable behaviour on the Council's behalf in the manner in which it conducts any appeal. In the usual course of appeals, each party bears its own costs.

## 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:** Gregg Wiggan ([gregg.wiggan@harrow.gov.uk](mailto:gregg.wiggan@harrow.gov.uk)) tel. 0208 7366162

### Background Papers

- Unitary Development Plan

















**IF APPROPRIATE, does the report include the following considerations?**

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

# 37 Norwood Drive, Harrow





OS MasterMap	
	Building or Structure
	General Feature - Multi-Surface
	General Feature - Step
	General Feature
	Glasshouse
	Inland Water
	Slope
	Natural Environment
	Path - Step
	Political or Admin Boundary
	Rail
	Road or Track
	Roadside / Manmade structure
	Upper Level of Communication / pylon
	Archway
	Unclassified