

Meeting:	Development Management Committee
Date:	6 <sup>th</sup> June 2007
Subject:	The Bothy, 65 Old Redding
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 rear decking at The Bothy, 65 Old Redding. The rear decking does not benefit from planning permission, has been erected within the last four years and exceeds permitted development limitations.

The decking, by reason of its size, design, material and siting, is detrimental to the visual amenity, historic and architectural integrity of this property and the surrounding conservation area. The property is curtilage listed and set within the Brookshill Drive and Grimsdyke Conservation Area and the Harrow Weald Ridge Area of Special Character. Accordingly, it fails to contribute to the preservation or enhancement of the character or appearance of the surrounding conservation area. The decking creates sprawl and additional bulk beyond the existing rear extension thus encroaches on the openness and character of the Green Belt.

The decking also gives rise to overlooking issues detrimental to the amenity of the occupiers of the neighbouring number 2, The Cottages, Old Redding. It therefore forms an unacceptable development.

The development is contrary to policies SD1, D4, D5, D11, D14, D15, SEP6, SD2, EP31, EP33, EP34 of the Harrow Council Unitary Development Plan 2004, Section 2 of the Supplementary Planning Guidance: Extensions a Householders Guide, and Policies 1 and 5 of the Grimsdyke Estate Conservation Area Management Strategy.

**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 Director of Legal and Governance Services be authorised to:

- (a) Issue notices (if considered appropriate) under Section 330 of the Town and Country Planning Act 1990 in respect of the alleged breach of planning control.
  
- (b) 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 timber decking extension.
  - (ii) The removal from the land of the materials arising from compliance with the requirements in (a) (i) above.
  
- (c) 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 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, The Bothy, 65 Old Redding, consists of a two-storey detached cottage style dwellinghouse. It is located on the northern side of this track, comprising detached dwellinghouses. The property is located within the Brookshill Drive and Grimsdyke Estate Conservation Area, the Green Belt, and Harrow Weald Ridge Area of Special Character. The property is listed by virtue of being within the curtilage of the grade II\* listed Grimsdyke House. It is located between numbers 1 and 2 the Cottages, Old Redding outside of the conservation area to the east and North Lodge to the west.
- 2.2 The property has a single storey rear extension of 60.99 cubic metres. This extension therefore uses up and exceeds the 50 cubic metres of permitted development allowed on a property in a conservation area. However, Building Regulation records and an on site inspection confirm this was built more than four years ago and so no action can be taken under the Town and Country Planning Act 1990 (as amended).
- 2.3 The property has permission for a single storey side extension (Ref: P2189/06/DFU) that was granted on the 17<sup>th</sup> October, 2006. This has not yet been implemented.
- 2.4 The Council received a complaint on the 8<sup>th</sup> February, 2006 alleging that rear decking was being constructed that required planning permission. Subsequent enforcement investigations verified this allegation and established that a breach of planning control had occurred. The volume of the rear decking is 13.85 metres (Height 0.7m x Width 4.0m x Depth 3.75 m). So, the total volume of extensions built on this property exceed the 50 cubic metres of permitted development volume by 24.84 cubic metres.
- 2.5 A letter was sent to the owner on the 15<sup>th</sup> September, 2006 alerting them of a potential breach of planning control and requesting a planning application to be submitted within 21 days. A response was received from

the owner dated the 19<sup>th</sup> September, 2006 questioning the need for planning permission. A letter was sent again explaining the need for planning permission on the 21<sup>st</sup> September, 2006. A response was received from the owner dated the 28<sup>th</sup> September, 2006 that again questioned the need for planning permission. An Enforcement Officer sent a response that again explained the need for planning permission on 12<sup>th</sup> October, 2006. No application has been received.

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 Unitary Development Plan (U.D.P.), which was formally adopted in July 2004. U.D.P. policies that are relevant to this report include;

- SD1 (Quality of Design)
- D4 (The Standard of Design and Layout)
- D5 (New Residential Development – Amenity Space and Privacy)
- D14 (Conservation Areas)
- SD2 (Conservation Areas, Listed Buildings)
- D11 (Listed Buildings)
- EP31 (Areas of Special Character)
- EP 33 (Development in the Green Belt)
- EP 34 (Extension to Buildings in the Green Belt)
- SEP6 (Areas of Special Character, Green Belt)

2.8 Also of relevance are: -

- Section 2 of the Council's Supplementary Planning Guidance entitled Extensions: A Householders Guide.
- the Council's Supplementary Planning Guidance 'the Brookshill Drive and Grimsdyke Conservation Area Appraisal' and 'the

Brookshill Drive and Grimsdyke Conservation Area Management Strategy'.

2.9 The timber decking extension does not conform to the adopted policies and guidelines referred to above. The Green Belt is characterised by openness. The existing rear extension on the same elevation of the property as this decking has a floor area of 22.70 metres squared. The development creates sprawl by extending out beyond this and encroaching upon a further 15 metres squared of the rear garden. So, it is contrary to policy EP33 which states 'development in green belt will be assessed in relation to whether . . . (c) the proposal retains the openness and character of the green belt'. For the same reasons it is contrary to policies EP34 and SEP6.

2.10 The development is also considered inappropriate given its character in terms of size, materials and design, particularly given its conservation area setting and its curtilage listed status . According to the 'the Brookshill Drive and Grimsdyke Conservation Area Appraisal' this conservation area is characterised by 'Vernacular agricultural buildings and Tudor style estate properties'. The modern design of timber decking or the use of this type of timber in a development is therefore not in keeping with the vernacular architecture characteristic of the area. Furthermore this particular building in the conservation area is characterised by a small scale. Its name 'The Bothy' means small house. Extending out beyond the existing rear extension creates sprawl and additional bulk not in scale with the original dwelling. As the design fails to respect the architectural character of this building and the wider area it is contrary to policies 1 and 5 of the Brookshill Drive and Grimsdyke Conservation Area Management Strategy. Accordingly it is contrary to Harrow UDP policies, D4, SD1, SD2, D11, D14 and D15 and section 2 of the Supplementary Planning Guidance Extensions: a Householders Guide.

- 2.11 The Harrow Weald Ridge Area of Special Character is characterised by ‘groups of historically interesting or attractive buildings’ according to page 85 of the Harrow U.D.P. As stated, this timber decking detracts from this historic interest and attractive design as its modern style and materials are out of keeping with the original property and it creates sprawl and additional bulk beyond an existing extension. It is therefore also contrary to policy EP31 of the Harrow U.D.P. to ‘preserve architectural and historic features which contribute to the character of the area’. Similarly it is contrary to policy SEP6.
- 2.12 The development is also considered inappropriate given that it is located in the garden of the Bothy, Old Redding adjacent to that of 2 Old Cottages. The raised decking will encourage people to congregate here resulting in loss of amenity and privacy of occupiers of the neighbouring property at number 2 the Cottages, Old Redding. This is contrary to Harrow UDP policy D5.
- 2.13 Accordingly enforcement action is recommended to secure the removal of the unauthorised rear timber decking. Given that the development is considered wholly inappropriate it is considered that removal of the whole development is justified.
- 2.14 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. There is the risk of the Council incurring legal costs in connection with any appeal against the enforcement notice. These costs will be contained within the existing Planning Budget

### **SECTION 3 - STATUTORY OFFICER CLEARANCE**

Chief Finance Officer	<input type="checkbox"/> Name:.....
	Date: .....
Monitoring Officer	<input type="checkbox"/> Name: Jessica Farmer

## SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

**Contact:** Lucy Haile ([lucy.haile@harrow.gov.uk](mailto:lucy.haile@harrow.gov.uk)) Tel: 0208 736 6163

### **Background Papers**

- Unitary Development Plan
- Supplementary Planning Guidance – the Brookshill Drive and Grimsdyke Conservation Area Appraisal
- Supplementary Planning Guidance – Extensions: A Householders Guide

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

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