

Meeting:	Development Management Committee
Date:	17 <sup>th</sup> October, 2007
Subject:	Grove End, Grove Hill, Middlesex, HA1 3HE.
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 construction of an outbuilding exceeding 10 cubic metres in a conservation area on the plot of a property that has already been extended by more than 50 cubic metres. This report seeks authority to initiate enforcement action for its removal.

### **Recommendations:**

Having regard to the provisions of the Harrow Unitary Development Plan and all other material planning considerations and in accordance with Section 172 of the Town and Country Planning Act 1990 (as amended), it is recommended that the Director of Legal and Governance Services be authorised to:-

- (a) Take all necessary steps for the preparation, issue and service of an Enforcement Notice requiring;

- (i) The demolition of the outbuilding.
- (ii) The removal of all resultant debris and reinstatement of the land to its former condition.

(b) The period for compliance with the steps in (a) (i) and (ii) above would be 3 months from the date the notice takes effect.

(c) In the event of non-compliance with the above enforcement notice, to;

- (iii) 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.
- (iv) 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.

### **Reason: (For recommendation)**

It appears to the Council that the breach of planning control occurred within the last 4 years.

The outbuilding by reason of its siting, excessive size and bulk is overbearing and unduly obtrusive in appearance and results in overshadowing of the gardens of the neighbouring properties to the detriment of the amenity of the occupiers of those properties contrary to policies D4 and D5 of the Harrow Unitary Development Plan.

The outbuilding by reason of its size, scale, bulk and siting fails to preserve or enhance the character or appearance of the Roxborough Park and the Grove Conservation Area contrary to policies D14 and D15 of the Harrow Unitary Development Plan and policies of the Roxborough Park and the Grove Conservation Area Policy Statement.

## **Section 2 – Report**

2.1 The site that is the subject of this report, Grove End, Grove Hill, consists of a two storey detached property with additional roof dormers and two storey and single storey side projections. The plot is bounded to the east by 'Grove Cottage' and 'Garlet', to the south by 'Haven', all of which are detached dwellings set in quite large gardens. It is located

in Roxborough Park and the Grove Conservation Area in a predominantly residential street, comprising semi-detached and detached dwellinghouses. It is located on the corner with Tyburn Lane.

2.2 The Council received a complaint on the 10<sup>th</sup> July 2006 that an outbuilding had been built that was larger than 10 cubic metres within the curtilage of the property. Subsequent investigations verified this allegation and established that a breach of planning control had occurred.

2.3 The property is situated within the Roxborough Park and the Grove conservation area and has existing extensions larger than 50 cubic metres. The outbuilding does not, therefore, fall within the provisions of Class A or E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

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

2.5 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 Harrow Unitary Development Plan (HUDP), which was formally adopted in July 2004. HUDP policies that are relevant to this report include;

- Policy D4 (The Standard of Design and Layout)
- Policy D5 (New Residential Development – Amenity Space & Privacy)
- Policy D14 (Conservation Areas)
- Policy D15 (Extensions and Alterations in Conservation Areas)

2.6 Also of relevance are policies 2 and 3 from the Council's Supplementary Planning Guidance: Roxborough Park and the Grove Conservation Area Policy Statement.

- 2.7 The height of the outbuilding is 4.32m at the highest point of the pitch and 3.52m at the lowest part of the pitch. The outbuilding has a 4.32m width and a 5.65m depth. This creates a volume of 95.68 cubic metres. The outbuilding is therefore unduly bulky.
- 2.8 The outbuilding is located on the boundary with the neighbouring gardens of Garlet to the east, Grove Cottage to the north and Haven to the south. Grove Cottage is set down by 1.2m below the ground level of this outbuilding. The boundary fences with the neighbouring properties are 1.93m in height. Since this development is 4.32m high, the upper 2.39m of this development is visible in surrounding gardens. The siting of the outbuilding combined with its size and bulk therefore makes this development particularly prominent and obtrusive, and causes overshadowing to adjacent garden. The excessive size of the outbuilding and its siting is therefore contrary to the HUDP planning policy D4 which indicates that a development should be of an appropriate standard of design and layout that considers site, context and scale. Similarly it is contrary to policies D5.
- 2.9 The property is located in the Roxborough Park and the Grove Conservation area. For all the reasons outlined in paragraph 2.7 and 2.8, the bulk and siting of the development is inappropriate. It therefore fails to preserve and enhance the character and appearance of this conservation area and so is contrary to HUDP policies D14, D15, and Supplementary Planning Document: 'Roxborough Park and the Grove Conservation Area Policy Statement' policies 2 and 3. This development is out of character on this site as there are no other outbuildings visible in the surrounding gardens within the Roxborough Park and the Grove Conservation Area. The development is therefore contrary to HUDP policies D4, D5, D14, D15 and policies 2 and 3 of 'Roxborough Park and the Grove Conservation Area Policy Statement'.
- 2.10 Accordingly enforcement action is recommended to secure the removal of the unauthorised outbuilding.

## **Financial Implications**

2.11 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. The Council might incur legal costs in defending an appeal against the enforcement notice. Any legal costs incurred will be contained within existing planning budgets.

## 2.12 Performance Issues

This report will not affect any performance indicators.

## Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar	<input type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 4 <sup>th</sup> October, 2007		
Name: Jessica Farmer	<input type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 17 <sup>th</sup> September, 2007		

\*Delete the words "on behalf of the" if the report is cleared directly by Myfanwy or Hugh.

## Section 4 - Contact Details and Background Papers

Contact: Lucy Haile, Planning Enforcement Officer , 0208 736 6163

Background Papers:

- Harrow Unitary Development Plan
- Supplementary Planning Guidance – Roxborough Park and the Grove conservation area.

If appropriate, does the report include the following considerations?

1.	Consultation	No
2.	Corporate Priorities	No

Site Plan –

