

Committee:	Development Management Committee
Date:	17 July 2007
Subject:	INFORMATION REPORT – Urgent Non-Executive Decision: 341A Northolt Road, Harrow
Responsible Officer:	Hugh Peart
Portfolio Holder:	Councillor Marilyn Ashton
Exempt:	No
Enclosures:	None

## Section 1 – Summary

The Urgent Non-Executive Decision procedure requires all decisions taken under the procedure to be reported to the appropriate Committee. The Committee is requested to note the action taken under the Urgent Non-Executive Decision procedure, as outlined in Section 2 below.

### **FOR INFORMATION**

## Section 2 – Report

### CIRCUMSTANCES

The property is a terraced retail unit, with a residential flat above. On 7 June 2006 the Development Control Committee (DCC) authorised the Director of Legal Services to issue and serve an enforcement notice for the demolition of an unauthorised first floor wooden extension erected at the rear of the Property ('the unauthorised development').

The enforcement notice was issued on 30 August 2007 and served on 31 August 2007. The notice comes into effect on 1 October 2007, unless an appeal is lodged against it before that date.

Following service of the enforcement notice, the Council received a visit from the owner of the Property who advised officers that the unauthorised development was erected in 1985. Although the owner has not submitted any evidence to support his claim, aerial photographs available to the Council show the unauthorised development was in existence and substantially completed as at 1 July 2001.

The aerial photographs prove, on a balance of probabilities, that the unauthorised development had been in place for more than four years before the DCC resolution to take enforcement action.

By virtue of Section 171B(1) of the Town and Country Planning Act 1990, where there has been a breach of planning control consisting in the carrying out without planning permission of building operations on land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

Accordingly, the unauthorised development is now immune from enforcement action. It is, therefore, recommended that the enforcement notice be withdrawn.

### ACTION SOUGHT

Action Proposed: That the Council exercise its powers under Section 173A of the Town and Country Planning Act 1990 (as amended) to withdraw an enforcement notice issued by the Council on 30 August 2007 relating to an unauthorised construction of a first floor rear wooden extension at 341A Northolt Road, Harrow ('the Property').

Date of Request for Action: 27 September 2007

Reason for Urgency: The enforcement notice would take effect on 1 October 2007 and the next planning committee was not until 10 October 2007. If the Council did not withdraw the notice before it took effect, the owner may lodge an appeal against the notice and the Council may be ordered to pay the owner's costs of lodging the appeal.

Decision: Officer Recommendation agreed.

### **Section 3 – Further Information**

None.

## **Section 4 - Contact Details and Background Papers**

**Contact:** Kate Boulter, Senior Democratic Services Officer, 020 8424 1269

**Background Papers:**

Individual Urgent Non-Executive Decision Form, as reported.