

LONDON BOROUGH OF HARROW

Meeting:	Development Control Committee
Date:	14 January 2004
Subject:	46A Harrow View, Harrow - Breach of Planning Control
Key Decision:	No
Responsible Chief Officer:	Joint Report of the Borough Solicitor and Chief Planning Officer
Relevant Portfolio Holder:	Planning, Development, Housing and Best Value
Status:	Part I
Ward:	Headstone
Enclosures:	Appendix A - Site Plan

1. Summary / Reason for Urgency (if applicable)

- 1.1 This report relates to the change of use of a first and second floor maisonette to bedsits.

2. Recommendation (for decision by the Development Control Committee)

- 2.1 Subject to his being satisfied as to the evidence the Borough Solicitor be authorised to:
- (a) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
 - (b) (i) permanently cease the use of the property as bedsits;
 - (ii) permanently remove all locks from all internal doors, except the bathroom.
- (b) (i) and (ii) should be complied with within a period of 6 months from the date on which the Notice takes effect.

- (c) Issues Notices under Section 330 of the Town and Country Planning Act 1990 (as amended) as necessary in relation to the above alleged breach of planning control.
- (d) Institute legal proceedings in event of failure to:
 - (i) supply the information required by the Borough Solicitor to the Council through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;
 - and/or
 - (ii) comply with the Enforcement Notice

3. Consultation with Ward Councillors

3.1 None

4. Policy Context (including Relevant Previous Decisions)

4.1 Application WEST/1037/02/CLE for the use of the loft space as a third bedroom. This application was incomplete and as such was never determined.

5. Relevance to Corporate Priorities

5.1 This report addresses the Council's stated priority of enhancing the environment of the borough.

6. Background Information and Options Considered

6.1 The property is a maisonette comprising the first floor and roof space of a dwelling. The ground floor comprises a separate planning unit in the form of a flat. The rear garden has been split between these two properties.

6.2 The area is predominantly residential though the adjoining property is a doctor's surgery and there is a telephone exchange nearby.

6.3 Whilst there are double yellow lines to the front of the property, and no off-street parking facilities for the maisonette, there is not considered to be an objection to the development on grounds of a lack of car parking.

6.4 Whilst a number of properties have been sub-divided, it is not clear that the number are in excess of that which would result in an over-concentration of sub-divided properties in this area.

6.5 The total floor area of the maisonette appears to be less than the minimum figure considered acceptable for its sub-division. Some of the room sizes appear to be below the minimum size standard set down by the Council.

6.6 It is not clear that adequate noise insulation has been provided to accommodate the change in the use of the property.

6.7 A general presumption in favour of conversion to provide additional dwellings exists, where that conversion does not cause additional harm. It has been shown above that harm is caused to occupants of the property and occupiers of nearby properties as a result of the development. As such it is considered that an Enforcement Notice should be issued to rectify this breach of planning control.

7. The Breach of Planning Control

7.1 Making a material change in the use of the property from a maisonette to 4 bedsits.

8. Reasons for Issuing the Notice

8.1 It appears to the Council that the breach of planning control has occurred within the last ten years.

8.2 The use of the property as bedsits is detrimental to the amenities of the occupiers of neighbouring properties, the occupiers of this property and future occupiers of the property, contrary to Policies H1 and H10 of the Harrow Unitary Development Plan (1994).

8.3 The Council does not consider that planning permission should be granted because planning conditions could not overcome these problems.

9. Consultation

8.1 Not applicable.

10. Finance Observations

10.1 None.

11. Legal Observations

11.1 None

12. Conclusion

12.1 The issue of an Enforcement Notice to rectify this breach of planning control is recommended.

13. Background Papers

13.1 Application for Certificate of Lawful Development WEST/1037/02/CLE.

14. Author

14.1 Glen More, Enforcement Manager, Ext 2453