

LONDON BOROUGH OF HARROW

Meeting:	Development Control Committee
Date:	14 January 2004
Subject:	53 Arundel Drive, 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:	Roxeth
Enclosures:	Appendix A - Site Plan

1. **Summary / Reason for Urgency (if applicable)**

- 1.1 This report relates to the construction of a single storey rear conservatory onto an existing single storey rear extension.

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

- 2.1 Subject to his being satisfied as to the evidence the Borough Secretary and Solicitor to the Council be authorised to:
- (a) Issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring:
 - (b) (i) demolish the conservatory;
 - (ii) permanently remove its constituent elements from the land.
- b (i) and (ii) should be complied with within a period of 3 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 P/1174/03/DCO for retention of this single storey rear extension. This application was refused under delegated authority on 22 July 2003.

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 comprises a semi-detached dwellinghouse located on the south side of Arundel Drive in a totally residential area.

6.2 The property has a single storey rear extension 3m deep, benefiting from planning permission. This extension is close to the boundary with the adjoining property.

6.3 The adjoining property has a habitable room window close to this boundary.

6.4 The conservatory adds a further 2.5m to this depth along this boundary. It is considered that this results in a development that is unduly obtrusive, resulting in a loss of light and overshadowing, and as such is detrimental to the visual and residential amenities of the occupiers of the adjoining dwelling.

6.5 A 1.8m fence between the properties does little to mitigate the harm caused.

6.6 The single storey rearward projection of 5.5m is out of character with the area. It adds excessive bulk and is unduly obtrusive, being detrimental to the general amenity of the area as a whole.

6.7 The occupier of the property submitted a retrospective planning application for the retention of the conservatory, which was refused on 22 July 2003 under delegated authority. The conservatory is still in existence.

7. The Breach of Planning Control

7.1 The erection of a single storey rear conservatory extension without planning permission.

8. Reasons for Issuing the Notice

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

8.2 The excessive bulk and rearward projection of the conservatory results in a form of development that is obtrusive, contrary to Policies E6 and E45 of the Harrow Unitary Development Plan (1994) and Policies D4 and SD1 of the Harrow Revised Deposit Draft Unitary Development Plan (2002).

8.3 The conservatory is detrimental to the amenities of the occupiers of the adjoining property in terms of a loss of light and overshadowing, contrary to Policy E45 of the Harrow Unitary Development Plan.

8.4 The Council considered a planning application for this development and concluded that planning permission should not be granted as 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 Planning application P/1174/03/DCO.

13. Author

13.1 Glen More, Enforcement Manager, Ext 2453