

## LONDON BOROUGH OF HARROW

<b>Meeting:</b>	<b>Development Control Committee</b>
<b>Date:</b>	14 January 2004
<b>Subject:</b>	73 Elm Park, Stanmore - Breach of Planning Control
<b>Key Decision:</b>	No
<b>Responsible Chief Officer:</b>	Joint Report of the Borough Solicitor and Chief Planning Officer
<b>Relevant Portfolio Holder:</b>	Planning, Development, Housing and Best Value
<b>Status:</b>	Part I
<b>Ward:</b>	Stanmore
<b>Enclosures:</b>	Appendix A - Site Plan

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

- 1.1 A detached building has been erected in the rear garden of the property, adjacent to the highway in Nelson Road.

### 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) demolish the detached building;
    - (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:

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| <p>(i) supply the information required by the Borough Solicitor through the issue of Notices under Section 330 of the Town and Country Planning Act 1990;</p> <p>and/or</p> <p>(ii) comply with the Enforcement Notice</p> |
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**3. Consultation with Ward Councillors**

3.1 None

**4. Policy Context (including Relevant Previous Decisions)**

4.1 Planning application P/708/03/DCO for the retention of a shed in the rear garden was refused on 8 July 2003 under delegated authority.

**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 single family dwellinghouse on the corner of Elm Park and Nelson Road, Stanmore.

6.2 The area is predominantly residential in nature. To the rear of the property is a small garage court, and Stanmore College is close by.

6.3 The building is made of concrete blocks with render with a tiled mono-pitched roof, the high end of which is adjacent to Nelson Road.

6.4 The rear garden of the property is bounded by a high close boarded fence, however the building is clearly visible protruding above it.

6.5 The building constitutes a prominent feature in the street scene which is out of character with the area and detrimental to the visual amenity of neighbouring properties and the area as a whole.

6.6 A planning application for the retention of this building was refused on 8 July 2003.

**7. The Breach of Planning Control**

7.1 Without planning permission the erection of a detached building within the curtilage of the property.

**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 building constitutes an obtrusive feature in the street scene, which is out of character with the area and detrimental to the visual amenity of occupiers of neighbouring properties and the area as a whole, contrary to Policies E6 and E45 of the Harrow Unitary Development Plan (1994) and Policies SD1 and D4 of the Harrow Revised Deposit Draft Unitary Development Plan (2002).

8.3 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/708/03/DCO.

**13. Author**

13.1 Glen More, Enforcement Manager, Ext 2453

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