

**Committee Report
Planning Committee on 20 July, 2010**

**Item No.
Case No.**

**3/01
10/1149**

RECEIVED: 24 May, 2010

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: 41 Littleton Road, Harrow, HA1 3SY

PROPOSAL: Erection of a single storey detached building in rear garden of dwellinghouse (retrospective application)

APPLICANT: Mr K Nathan

CONTACT: J E Consultants UK Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval, subject to conditions

EXISTING

The subject site contains a two storey, detached property situated on the eastern side of Littleton Road. The area is designated an area of distinctive residential character. Surrounding uses are predominantly residential. Properties on the eastern side of Littleton Road are afforded long gardens which are around 25m in length. The property in question is situated on an elevated platform with a short patio which includes stepped access down to the main garden area.

PROPOSAL

Erection of a single storey detached building in rear garden of dwellinghouse (retrospective application)

HISTORY

E/09/0718 - Enforcement case relating to the erection of an outbuilding in the rear garden
Breach established - no notice has been served as yet

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE2 - Townscape: Local Context & Character

BE9 - Architectural Quality

SPG5 "*Altering and Extending your Home*"

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 04 June 2010 and 25 June 2010 in which 2 properties were notified.

Two objections have been received from the owners of number 39 and 43 Littleton Road raising the following concerns:

- The building is obtrusive because of its size and position.
- It is misleading that the building is described as a garden shed due to its scale and brick construction with solid foundations. Most outbuildings in the general area are under 2.5m, flat-roofed and made of wood.
- Location of the building is not in a practical spot. Rear gardens in the estate are quite large and the majority of sheds are sited towards the bottom of the garden. This would be more suitable. As the building is in the NW corner of the garden, the sun will cast a shadow across the lawn of 39 during the months of the year when the sun is lower.

Consultees

Sudbury Court Residents Association - Objection raised as building is within 1m from the site boundary.

REMARKS

The application has been submitted following an enforcement investigation which has identified a breach in planning control at the site. The structure measures 3.7m in depth and 2.9m in width and has a shallow dual-pitched roof with a central ridge. The height of the building to the eaves is 2.6m. The highest point of the roof reaches 2.85m. The building is situated close to the northern boundary of the site maintaining only 0.35m from the boundary shared with number 39 Littleton Road. As a result, the height marginally exceeds the maximum height allowed for an outbuilding which can be constructed under permitted development in situations where any part of the structure is situated within 2m of a site boundary. The height of the building has been measured from the lower ground level of the garden rather than the patio area as this is not considered original.

Principle of Development

It is accepted that residential gardens often contain storage buildings. In many circumstances, national legislation allows the construction of such a building without the need for planning permission. This would apply to buildings which comply with certain height limitations depending on their location within a site in addition to the scale and use restrictions which, under the Town and Country Planning (General Permitted Development) Order 1995 as amended, must be incidental to the main dwellinghouse. As planning permission is being sought for the structure, it is not reasonable to assess whether the building is incidental to the main dwelling but rather that the structure would be used for purposes which are ancillary to the main building.

The building in question has a footprint of less than 12 square metres which is not considered excessive in scale when considered in comparison with the footprint of the main dwellinghouse and the size of the plot. The scale of the building is such that it can be considered to be a reasonable storage building for a domestic property. The use of the building as ancillary to the main dwellinghouse can be secured by condition.

Fallback Position

The implication of refusing this application is that an enforcement notice could be served requiring the removal of the building. In this circumstance, the applicants would have the fall back position of

being able to erect a replacement outbuilding providing it complies with the requirements of Town and Country Planning (General Permitted Development) Order 1995 as amended in 2008 following the demolition of the unauthorised structure.

The 2008 amendments to the Order made various changes to the permitted development rights of householders. In regard to outbuildings the changes impose a height limit of 2.5 metres on any part of an outbuilding within 2 metres of a boundary. Any replacement outbuilding would therefore either have to be lower or be set further in from the boundary however given the marginal breach in the height of the outbuilding under consideration, only a small reduction in visual impact would result from this amendment. It should be also noted that there is no requirement to locate these buildings at the rear of the garden.

It is therefore necessary to consider whether this course of action would be reasonable and justifiable. The main justification would be the harm to neighbouring residential amenity, namely 39 Littleton Road which is situated most closely to this building.

Impact on neighbouring residential amenity

As stated, the main property to be affected by the outbuilding is number 39 Littleton Road. An objection has been received from the owners of this property in terms of an overshadowing impact during winter months and a loss of outlook. The building in question has a shallow dual-pitched roof with a central ridge which ranges from a height of 2.6m up to 2.85m. It should be noted however that the building is close to the side boundary belonging to this neighbour and only 4.8m from the rear elevation. In terms of the layout of number 39 Littleton Road, an attached garage is situated between the side boundary and the main habitable room windows and as a result, the impact of the building on outlook and overshadowing of habitable rooms would not be significant. The main consideration is therefore the impact on the garden.

Your officers recommend a condition to secure new fencing on the boundary between the building and number 39 which is 2m in height. Given the limited space between the outbuilding and the boundary any planting is likely to create maintenance issues for the owners of 39 however the introduction taller fencing is considered to soften the appearance of the building from the neighbouring garden. It should be noted that it is only possible to secure this screening when a structure requires planning permission. In contrast, if the structure were to be removed and replaced with a building which was 2.5m in height, only 0.35m less than the existing building's maximum height, no screening would be required resulting in a harsher appearance from the neighbouring garden. Furthermore, given the modest scale of the extension in terms of footprint, only a marginal breach in the maximum height permitted for outbuildings within 2m of the boundary and the generous garden depth afforded to the neighbouring property, the building is not considered to result in sufficient harm to warrant a refusal of the scheme.

Summary

Whilst the building is not wholly in accordance with policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004, the structure is not, on balance, considered to result in sufficient harm to neighbouring residential amenity to warrant a refusal of the scheme. On this basis, it is recommended that planning permission be **granted, subject to conditions**.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The outbuilding hereby approved shall be completed in full within 1 month of the date of this planning consent.

Reason: In order to rectify the breach in planning control and in the interests of the visual amenities of the locality.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

904/DK/01
Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Notwithstanding the plans hereby approved, 2m high close-boarded timber fencing shall be erected on the boundary between the outbuilding hereby approved and number 39 Littleton Road within 1 month of the date of this consent.

Reason: In the interests of residential amenity.

- (4) The outbuilding hereby approved shall be used solely for purposes ancillary to 41 Littleton Road. No business or industry shall be carried out therein nor shall the building be used for additional living accommodation or be sold, let or occupied separately from the dwelling.

Reason: In the interests of neighbouring residential amenity

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent Unitary Development Plan 2004
SPG5 "Altering and Extending your Home"

Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 41 Littleton Road, Harrow, HA1 3SY

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Officer © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.