



REGULATORY SERVICES COMMITTEE REPORT

24 April 2014

Subject Heading:

Planning Contravention
356 Rush Green Road
Romford

Report Author and contact details:

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The London Plan
Local Development Framework

Policy context:

Financial summary:

Enforcement action and a defence of the Council's case in any appeal will have financial implications.

The subject matter of this report deals with the following Council Objectives

| | |
|---|-------------------------------------|
| Ensuring a clean, safe and green borough | <input checked="" type="checkbox"/> |
| Championing education and learning for all | <input type="checkbox"/> |
| Providing economic, social and cultural activity in thriving towns and villages | <input type="checkbox"/> |
| Value and enhance the life of our residents | <input checked="" type="checkbox"/> |
| Delivering high customer satisfaction and a stable council tax | <input type="checkbox"/> |

SUMMARY

This report concerns an outbuilding that lies to the rear of a residential property at No. 356 Rush Green Road Romford. The outbuilding is being used as independent residential living accommodation without the benefit of planning permission.

The unauthorised use of the outbuilding provides substandard living accommodation and is unacceptable intensification of the rear garden environment, resulting in disturbance to occupiers of surrounding properties. It is

therefore requested that authority be given to issue and serve an Enforcement Notice to seek to remedy the breach of planning control.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 3 months of the effective date of the enforcement notice:

1. Cease using the outbuilding shown hatched black on the attached plan for residential purposes
2. Remove from the outbuilding all fixtures and fittings associated with the unauthorised residential use.
3. Remove from the land at 356 Rush Green Road all rubble and waste materials, resulting from compliance with (2) above.

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

REPORT DETAIL

1. **Site Description**

- 1.1 356 Rush Green Road, Romford shown outlined bold black on the attached plan is a semi-detached house in a residential street (“the Property”). The Property has a rear garden which has side access from a shared path between 356 and 358 Rush Green Road.
- 1.2 To the rear of the garden to the Property is an outbuilding, the subject of this report.
- 1.3 The outbuilding is approximately 3 meters deep by 5 metres wide with a flat roof. The outbuilding has been fitted out with a kitchen, including sink and cooker and a bed. There is a satellite dish attached to the exterior of the outbuilding.
- 1.4 The outbuilding can be accessed independently of the Property via a side gate. The location of the outbuilding is shown hatched black on the attached plan.

2. **Relevant Planning and Enforcement History**

- 2.1 None relevant

3. **The Alleged Planning Contravention**

3.1 In October 2011 the Council received a complaint that an outbuilding at the Property had been converted for use as independent residential living accommodation.

3.2 Following investigation Officers establishing that the outbuilding was in residential use.

3.3 The owner of the Property was informed that the residential use of the outbuilding required planning permission and represented a breach of planning control.

3.4 The unauthorised use of the outbuilding has continued.

3.5 The breach has occurred within the last 4 years.

4. **Policy and Other Material Considerations**

4.1 The issue is whether it is expedient for the Council to serve a Planning Enforcement Notice having regard to the impact and nature of the unauthorised change of use.

4.2 Staff consider the relevant policies contained within the Havering Local Development Framework (LDF) to be policies: DC4 (conversions to residential uses), policy DC33 (parking), policy DC55 (noise) policy DC61 (urban design).

4.3 In addition policy 3.5 of the London Plan advises that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The Residential Design SPD states that private amenity space and/or communal amenity space should be provided for new residential development.

4.2 Policy DC61 seeks to ensure that all development is compatible with its surrounding environment. In this case it is considered that the unauthorised use of the outbuilding for independent living accommodation has led to an unacceptable intensification of residential garden through uncharacteristic comings and goings and activity associated with permanent living accommodation which materially prejudices the living conditions of neighbouring occupiers.

4.3 The development is considered to be sub- standard in terms of living conditions. Policy 3.5 of the London Plan seeks to ensure that new residential development conforms to minimum internal space standards set out in the plan – setting out a minimum size for a one person flat as 37 square metres. The outbuilding is unacceptably small being less than 20 square metres. There is a lack of private amenity space both for the outbuilding and the host dwelling. No parking or dedicated refuse storage is available for occupiers of the outbuilding. The residential use of the outbuilding is inappropriate and out of character with the neighbourhood and generates an unacceptable increase in noise, general

disturbance and loss of privacy for both occupants of the property and neighbouring occupiers and therefore the unauthorised use is contrary to the Local Development Framework.

4.4 It is considered that planning conditions cannot mitigate the adverse consequences of the unauthorised use. It is considered that the development is contrary to Policies, DC4, DC33, DC61 and policy DC55 of the Local Development Framework, Policy 3.5 of the London Plan and the Council's Residential Design SPD.

5. Recommendation for action

5.1 The unauthorised use of the outbuilding as independent living accommodation within the rear garden of the Property gives rise to overdevelopment at the site and has a detrimental impact on the living conditions of adjoining occupiers by reason of noise and general disturbance. The outbuilding provides: substandard living accommodation; insufficient amenity space for occupiers of the site; a lack of parking and refuse storage facilities.

5.2 It is recommended that an enforcement notice be served requiring the residential use of the outbuilding to cease.

5.3 The alleged breaches of planning control have occurred within the last four years and the Council would be acting within the time frame for taking enforcement action.

5.4 Staff consider that a period of three months is sufficient time to cease the unauthorised use and complete the works necessary to comply with the requirements set out in the recommendation section of this report.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

Section 149 of the Equalities Act 2010 (EA) came in to force on 1st April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998.

Having consider the above duty and the Human Rights Act 1998 there are no equality or discrimination implications raised

BACKGROUND PAPERS

- 1. Ordnance survey extracts showing site and surroundings.*