



# REGULATORY SERVICES COMMITTEE

# REPORT

6 June 2013

**Subject Heading:**

Planning Contravention  
76 Lower Bedfords Road, Romford, Essex

**Report Author and contact details:**

Simon Thelwell  
Projects and Regulation Manager  
01708 432685  
simon.thelwell@havering.gov.uk  
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 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

On 31 October 2011 the Authority received a complaint that the development was not being constructed in accordance with the plans as approved by application P1030.09. It was alleged that the development was actually built in accordance with plans relevant to an earlier refused application P0527.09. A site visit was carried out on 3 February 2012 and the Officer confirmed that the development was not built in accordance with the approved plans, but it did not resemble the refused application. There is an extension to the original rear roof that is linked with an extension at first floor level that extended over the existing single storey

extension. The owner of the property claims that he only had one set of plans to work from (Refused application P0527.09) as his agent had only supplied him with this version. The Council contend that the development as constructed is not built in accordance with both the approved and refused schemes

## RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require, within 6 months of the date the notice becomes effective:

1. To remove the extension to the original rear roof and linked extension at first floor level over existing single storey extension and revert back to the original bungalow style dwelling as shown on the attached plan.
2. Remove all materials resulting from compliance with step 1 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 76 Lower Bedfords Road, Romford is a detached chalet bungalow located at the junction of Lower Bedfords Road and Risebridge Chase. Immediately to the east of the site is a similar detached bungalow with loft accommodation and to the west, there are two storey semi-detached houses. The site is within the Metropolitan Green Belt.

1.2 The authorised use is as a single family dwelling.

### 2. **Relevant Planning and Enforcement History**

P0527.09 – Loft conversion with front dormers, first floor roof extension and pitched roof to garage. Juliette balcony to front. – Refused.

P1030.09 – Bungalow to chalet with front dormers and Juliet balcony to front – Approved

No relevant enforcement history.

### 3. **The Alleged Planning Contravention**

- 3.1 Without planning permission, conversion of the existing bungalow to a chalet bungalow with front dormers and Juliet balcony to the front. This includes extensions to the original rear roof and linked extension at first floor level over existing single storey extension. This development has not been constructed in accordance with approved planning application P1030.09 nor does it resemble the refused application P0527.09.
- 3.2 The roofline has excessive bulk and bears no resemblance to the approved plans. The approved plans show a rear dormer extension and alterations to the property to change from a single storey bungalow to a chalet style bungalow. The dormer window on the approved plan should be a subordinate dormer that is contained within the roof profile whereas the development on site is an extension to the original rear roof and linked extension at first floor level that extends over the existing single storey extension.

### 4. **Policy and Other Material Considerations**

- 4.1 The site is within the Metropolitan Green Belt. The Local Development Framework and Government Guidance as set out in National Planning Policy Framework is that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area. New buildings will only be permitted outside the existing built up areas in the most exceptional circumstances. The development, combined with previous extensions, increases the volume of the original dwelling house by some 90%. This has resulted in disproportionate additions significantly over and above the size of the original building. Staff consider that the extensions and alterations constitutes inappropriate development in the Metropolitan Green Belt.
- 4.2 Furthermore it is considered that the unauthorised extensions and alterations fails to maintain the openness of the Green Belt and result in physical harm to the character and openness of the Green Belt at this point . The extensions also have a significant negative impact upon the appearance of the building. This is because the shape, volume and arrangement of the unauthorised extensions and alterations fail to integrate with the existing dwelling and given its prominent corner location, results in a cramped overdevelopment of the site appearing as an incongruous, dominant, overbearing and visually intrusive feature in the streetscene and rear garden environment. This is harmful to the open and spacious character and appearance of the surrounding area.
- 4.3 Staff has not been made aware of any material considerations, either individually or cumulatively, which would clearly outweigh the harm to the Green Belt and any other harm. It is considered that the unauthorised extensions and alterations are therefore contrary to the adopted Local Development Framework policies DC45 & DC61 of the Core Strategy and Development Control Policies DPD, London Plan policies 7.6 & 7.16 and

the NPPF because of the significant harm caused by the in-principle and physical harm to the Green Belt and to the character and appearance of the surrounding area.

4.4 The breach has been pointed out to the owner, and an application has been invited. To date, no application has been received and no remedial work undertaken.

5. **Recommendation for action**

5.1 Staff consider that in circumstances it would not be appropriate to invite a retrospective application which is likely to be refused on the same grounds as the previously refused application. In the intervening period there have been no changes to the Development Plan that impact on the unauthorised development and officers consider that the extension as constructed is of a greater bulk and mass than the refused application.

5.2 Therefore it is recommended that an Enforcement Notice requiring the development to be demolished.

## **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 1<sup>st</sup> 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. Non-exempt notes and correspondence on case file*
- 2. Aerial Photographs*
- 3. Relevant Planning History*