

**COMMITTEE:** DEVELOPMENT CONTROL

**DATE:** 16<sup>TH</sup> MARCH 2005

**SUBJECT:** 42 HAZELBURY CRESCENT. ERECTION OF DORMER EXTENSION IN REAR ROOF SLOPE WITHOUT PLANNING PERMISSION. ENFORCEMENT FILE (ENF/05/00022/UBO)

**REPORT BY:** DEVELOPMENT CONTROL MANAGER

**CONTACT OFFICER:** ROD PORTER 546317

**IMPLICATIONS:**

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

**WARDS AFFECTED: DALLOW**

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**PURPOSE**

1. To advise Members of this breach of planning control and to seek their decision.

**RECOMMENDATION(S)**

2. Development Control Committee is recommended to authorise enforcement action to secure:

(i) The dismantling of the unauthorised dormer in the rear roof of this property.

(ii) The reinstatement of the rear roof with tile to match the tiles on the front roof slope.

The date for compliance to be 6 months from the date of the notice.

## **BACKGROUND**

### The Site

3. This is a 2-storey semi-detached house, located on the south side of the road close to the junction with Kenilworth Road. It dates from the 1920's and has a single storey rear extension and front porch. The rear roof slope has been removed and a flat roofed dormer constructed in its place. The dormer extension is visible from vantage points around the site; particularly in Kenilworth Road and Avondale Road. Photographs of the house and extension will be available at the meeting.

### The Complaint

4. The unauthorised development was brought to the attention of the Planning Service's Enforcement Officers by the Chief Building Control Surveyor but was also referred to by the Appellant in a recent appeal case against the Council's decision to refuse planning permission for a dormer extension of similar design in Durbar Road.

5. Local Plan Allocation - Primarily Residential Area.

6. Relevant Policies - H1, H8, E1, E8.

## **REPORT**

### Material Considerations

7. The rear dormer requires planning permission because an earlier rear extension and front porch have a combined volume of over 70m<sup>3</sup>. The issues in this case are seen to be the appearance of the dormer, its dominance and the additional overlooking of the rear gardens in Kenilworth Road.

8. Appearance – the size and design of the dormer is not in proportion to the original dwelling and appears unbalanced in relation to the adjoining dwellings. It is therefore contrary to above policies.

9. Dominance – the land slopes down from the complaint site towards Avondale Road and Dunstable Road. The photograph quite clearly shows that the extension dominates the rear gardens of the houses in Kenilworth Road and it looks to be out of scale and character with the surrounding area. If allowed to remain, it will set a precedent for other similar proposals in the area.

10. Overlooking – the extension adds a further pair of windows that can overlook the rear windows and garden of the adjoining houses. Properly designed dormer windows, set into the roof and back from the rear main wall, would only look out, not down.

11. It is concluded therefore that the correct course of action in this case is to seek the removal of the dormer extension and the return of the roof design to its previous condition.

## **ULIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

12. Enforcement File ENF/05/00022/UBO