

COMMITTEE: DEVELOPMENT CONTROL

DATE: 16TH MARCH 2005

SUBJECT: 225 NEW BEDFORD ROAD. ERECTION OF 2-STOREY
SIDE EXTENSION NOT IN ACCORDANCE WITH THE
APPROVED PLANS. APPLICATION NO. (ENF
04/00501/UBO)

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: ROD PORTER 546317

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: BARNFIELD

PURPOSE

1. To advise Members of a related problem to the breach of planning control set out in the earlier report on the same subject to the 2nd February 2005 Committee, and to seek their decision.

RECOMMENDATION(S)

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

- (i) To secure a reduction in the width of the extension from 4.27 metres to 3.6 metres; that being the width shown on the approved plans.
- (ii) To require the walls of the building to be rendered to match the existing house.

The time for compliance being 3 months from the date of the Notice.

It is also recommended that the owner be reminded that the materials to be used in the roof of the extension should match those on the existing house and that failure to achieve a good match will result in Breach of Condition action.

BACKGROUND

The Site

3. This is a 2-storey semi-detached house dating to the 1930's. It is located at the junction of Cranleigh Gardens with New Bedford Road. A 2-storey side extension is in the course of construction. The original house is rendered and painted white. The extension is being constructed in red facing bricks.

Planning History

4. 99/01155/FUL – Erection of 2-storey side extension. Permission granted on 20/03/00.

5. Local Plan Allocation: Primarily Residential Area.

6. Relevant Policies: H1, H8, E1 & E8.

REPORT

Material Considerations

7. Members will recall from the report on this property to the 2nd February Meeting that a 2-storey side extension is being built that is wider than approved. Members agreed with the recommendation that no further action be taken; accepting the advice that there was little chance of winning any subsequent appeal.

8. However, when reviewing the case after Committee, it was noted that the extension is being constructed in a red facing brick and is unlikely, therefore, to be rendered and painted to match the existing house.

9. The post-Committee review also noted that, if the Committee's decision to take no action in respect of the existing extension were adhered to, the extension, as built, would not have a valid planning permission and would not, therefore, be subject to planning control. In other words, the condition attached to the planning permission requiring the extension to be in materials to match the existing house could not be enforced.

10. The occupant was therefore written to on 4th February 2005, inviting a fresh application to regularise the extension as built and seeking his agreement to white render the walls of the extension. It is considered that the roof tiles should also be made to match existing. A reply was requested by 25th February 2005, but at the time of writing no reply had been received.

11. Having regard to all of the above, there is a strong likelihood that the previous decision to take no action will result in the retention of a red-brick extension which is wholly out of character with the existing house and, in view of its prominence, detrimental to the visual amenities of the street scene. Members are therefore requested to consider rescinding their previous decision and to authorise appropriate action to ensure that the appearance of this prominent extension is controlled to match the existing house. In view of the fact that the conditions attached to the planning permission requiring materials to match the existing house could not be enforced, it is also advisable to seek a reduction in the extension to the width shown on the original approved plans.

CONCLUSIONS

12. It is considered that enforcement action is necessary to ensure a satisfactory standard of development. Members are therefore advised to reconsider their previous decision and to authorise action, both to secure a reduction in width to 3.6 metres as shown on the original approved plans and also to require the walls of the extension to be rendered and painted white.

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

13. Borough of Luton Local Plan 1997.
- 14 . Enforcement File ENF/04/00501/UBO.