

COMMITTEE: DEVELOPMENT CONTROL

DATE: 25TH APRIL 2007

SUBJECT: 40 TRINITY ROAD. UNAUTHORISED SINGLE
STOREY REAR CONSERVATORY EXTENSION.
FILE REFERENCE NO. 07/00136/UBO.

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: IAIN BLACKLEY 546305

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: LIMBURY

PURPOSE

1. To advise Members of an unauthorised single storey rear conservatory extension which has been recently built at the rear of 40 Trinity Road and to seek their authority to commence formal action.

RECOMMENDATION(S)

2. Development Control Committee is recommended to authorise the service of an Enforcement Notice in order to secure the demolition of the unauthorised single storey rear conservatory extension. It is also recommended that the time for compliance with any notice served be 3 months from the effective date.

BACKGROUND

3. Trinity Road is a busy thoroughfare, comprising primarily residential dwellings.

4. The property in question is a small terraced family dwelling with a long narrow rear garden, in which a single storey rear extension has been constructed in the past.

REPORT

5. The property has been the subject of two recent complaints. The first complaint was received in early February 2007, alleging that the above property was the subject of development works at the rear.

6. A site inspection shortly thereafter confirmed the apparent construction of a raised patio to the rear of the existing single storey rear extension. It was decided at the time to take no further action in respect of the patio and a warning letter was sent to the owner advising that action would be taken if the patio developed into further enlargement of the existing extension. A further complaint was received on 2nd April 2007 alleging that the existing rear extension had been further enlarged with a conservatory extension.

7. A subsequent investigation confirmed a further enlargement of the existing rear extension with a conservatory extension and Council records confirm that the extension was built without planning permission.

8. The previously constructed rear extension at 40 Trinity Road extends 6m into the garden, the conservatory extends a further 3.5m beyond these extensions, resulting in an overall extension depth of 9.5m.

9. No. 38 Trinity Road also has an extension of 6m depth, meaning that the occupiers of this property are not affected by the original extension at No. 40, which is level with their own. They are, however, significantly affected by the conservatory, which results in visual dominance when viewed from the garden as well as significant overlooking of their patio area, as a result of the fact that clear glazed windows have been used on the elevation of the conservatory facing this neighbour.

10. The extension and conservatory project 6.5m beyond the rear wall of the original rear projecting wing at No. 42 Trinity Road. The elevation of the conservatory facing this neighbour is glazed with solid plastic material, meaning there is no overlooking, but the conservatory itself nevertheless results in visual dominance as well as a loss of light and overshadowing of the garden area and the rear windows of the house at No. 42.

11. The single storey extension itself does not benefit from planning permission and has a volume in excess of 50 cubic metres, meaning that planning permission is required. It is not clear when this was constructed as there have been no previous complaints in respect of this structure, but it is possible that this was within the last four years, meaning that enforcement action would be possible.

12. However, it is not considered that this extension, in itself, has a significant adverse impact on either of the neighbouring properties, which would warrant enforcement action, as the extension projects only 3m from the rear projection at No. 42 Trinity Road and does not project beyond the rear of the extension at No. 38.

13. Given the above, it is now expedient, in accordance with Local Plan Enforcement Policy IMP3, to commence formal enforcement action for the following reasons:

- The development injuriously affects the amenities of the adjoining properties by reason of visual intrusion, overlooking and overshadowing. It is, therefore, contrary to Policies LP1, H4 and ENV9 of the Luton Local Plan.
- The combined impact of the conservatory and extension results in a structure which is out of scale and character with the existing and surrounding dwellings, due to the length of its projection from the main wall of the house, and detracts from its appearance, which is detrimental to visual amenity. The development is therefore contrary to Policies LP1, H4 and ENV9 of the Luton Local Plan.

14. Photographs of the conservatory extension will be displayed at the meeting.

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

15. There are no other background papers relating to this report other than those which disclose exempt information within the meaning of Section 100A and Schedule 12A to the Local Government Act 1972.