



49 Heathcroft Avenue - 17/00136/UNDEV.

Scale 1:1,250

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## Planning Committee

18 October 2017



<b>Application No:</b>	17/00136/UNDEV
<b>Site Address:</b>	49 Heathcroft Avenue, Sunbury On Thames, TW16 7SR
<b>Breach</b>	Unauthorised single storey detached dwelling
<b>Ward:</b>	Sunbury Common
<b>Call in details:</b>	That an Enforcement Notice be issued to secure the removal of the unauthorised dwelling. Such notice to be complied with within 6 months of it taking effect.

### **MAIN REPORT**

#### **1. Background**

- 1.1 The application site contains a two storey semi-detached dwelling, which is situated on the southern side of Heathcroft Avenue, Sunbury On Thames. A single storey detached building has been constructed within the rear garden of the property, which is in use as a separate residential unit, and does not benefit from planning permission. The street scene surrounding the property is predominantly characterised by two storey semi-detached and terraced dwellings, which are generally situated within rectangular plots. There are further outbuildings and garages within the rear gardens of neighbouring dwellings, although there are no examples of residential units. A pedestrian alleyway runs alongside the eastern boundary of the site, and an access road and private car park is located to the rear of the property.
- 1.2 The breach of planning control relates to the unauthorised use and construction of the building within the rear garden, as a separate residential dwelling.
- 1.3 Permission was granted at the site in December 2015, for a Certificate of Lawfulness for the proposed development of a single storey detached garage (which contained a flat roof). This was granted under the reference 15/01365/CPD, and was found to have met the requirements of permitted development legislation. However, the approved double garage was not constructed on site, and instead, a single storey detached building has been erected, which contains a hipped roof form, and is presently in use as a residential dwelling.

- 1.4 A planning enforcement enquiry was opened at the site in May 2017, under the reference 17/00136/UNDEV, and a planning application was submitted at the site on 20 July 2017, which sought to retain and extend the existing detached dwelling (17/0117/FUL). Planning permission was subsequently refused on 14 September 2017, for the following reasons:

*“The dwelling and proposed extension by virtue of layout and plot size, has an unacceptable impact upon the character of the area, and detracts from the surrounding building pattern. The scheme introduces an incongruous feature within the surrounding landscape, and represents an over development of the site contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009), the Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011).”*

*The proposed one bed unit is considered to provide insufficient habitable accommodation leading to a harmful impact upon the occupiers of the unit, contrary to Policy EN1 of the Spelthorne Development Plan Core Strategy and Policies Development Plan Document (February 2009), the Design of Residential Extensions and New Residential Development Supplementary Planning Document (April 2011) and the Department of Communities and Local Government Technical Housing Standard - nationally described space standard (March 2015).*

- 1.5 Enforcement Notices requiring the removal of the unauthorised residential units are required to be agreed by the Planning Committee because of the potential consequences of making someone homeless.

## 2. Relevant Planning History

PLAN C/FUL/79/998	Erection of a single-storey rear extension measuring 11 ft (3.35 m) by 16 ft 9 ins (5.11 m) providing a dining room.	Grant Unconditional 05.12.1979
15/01365/CPD	Certificate of lawfulness for the proposed erection of a single storey detached garage.	Grant Cert Lawful Prop Use/Dev 14.12.2015
17/01175/FUL	Retention of single storey 1 no. 1 bedroom detached dwelling, including the erection of single storey rear extension, and associated parking and amenity space.	Application Refused 14.09.2017

### 3. Details of complain and unauthorised development:

- 3.1 The building in question is currently in use as an unauthorised residential unit and contains one bedroom. The building has an existing internal floor area measuring approximately 31 m<sup>2</sup>. The building also contains an entrance in the southern elevation, and the application site can be accessed from the access road, which is situated to the east/rear of the site. The recent planning application sought to retain and extend the building, and would have created a resultant internal floor space measuring some 38 m<sup>2</sup>, following the construction of a single storey rear extension. The recent planning application also proposed one car parking space at the front of the building and amenity (garden) space of 36 m<sup>2</sup>, at the rear.

### 4. Planning Considerations

- 4.1 The main planning considerations relate to the impact of the building upon the character of the area, and the level of amenity provided to future occupiers.
- 4.2 In terms of the character of the area, the building introduces a 'backland' style development, and frontage activity to the rear of the site, and whilst the building is not visible from Heathcroft Avenue, it is visible from neighbouring and adjoining properties.
- 4.3 The area surrounding the application site, is predominantly characterised by two storey semi-detached and terraced dwellings, which are generally situated within relatively long, rectangular plots. There are a number of detached outbuildings and garages, located within the rear gardens of properties on the southern side of Heathcroft Avenue, which are accessed via an service road running alongside the southern boundary of such properties. However, whilst single storey outbuildings are present, there are no examples of residential dwellings fronting this access road.
- 4.4 The residential unit results in the sub-division of the plot, and the building is not considered to pay due regard to the scale, layout and building pattern (relatively long rectangular plots) of adjoining buildings and land. The scheme also introduces an incongruous and contrived form of development, which detracts from the character of the area.
- 4.5 Whilst single storey outbuildings and garages are contained at the rear of neighbouring dwellings, these are ancillary uses and there are no examples of residential dwellings within this location. The scheme therefore introduces a development, which is not 'in-keeping' with the surrounding character. The development also appears cramped compared to the underlying relatively long, relatively narrow pattern of neighbouring developments.
- 4.6 Whilst the residential unit would provide sufficient amenity (garden) space, the scheme is not in adherence to the Council's 21 metre 'back to back' guide, in relation to the existing house, which is viewed to be an indicator of over-development of the site.

- 4.7 In terms of the impact upon future occupiers, the plans indicate that the property is a 1 bedroom, 1 person unit. The Council's SPD on design does not give a minimum guideline internal floor area for a 1 bedroom unit occupied by 1 person. However, the Council's guidance does indicate that a 1 bedroom, 2 person dwelling, should contain a minimum floor area measuring 50 m<sup>2</sup>. The *Technical Housing Standards* (THS), which was published in March 2015, indicates that a 1 bedroom 1 person unit, should contain a minimum internal floor area of 39 m<sup>2</sup>. As the property incorporates a shower room rather than a bathroom, this requirement is reduced to 37 m<sup>2</sup>.
- 4.8 The building as proposed to be extended, would have contained a floor area of some 38 m<sup>2</sup>, and should this have been granted planning consent, the scheme would have been in adherence to the *THS* floor space guidance, should the unit have been occupied by 1 person. The existing building falls short of this requirement with an internal floor space measuring 31 m<sup>2</sup>. However, the Council is of the view that the dwelling is capable of being used as a 1 bedroom 2 person unit, and should be assessed on this basis. Indeed the dwelling (not yet extended) appeared to be in use as a 2 person unit at the time of the Officer site visit. In any event, the bedroom contains an internal floor area measuring approximately 11.64 m<sup>2</sup>, which exceeds the 11.5 m<sup>2</sup> minimum requirement for a double/twin bedroom as stated within the *THS*. The bedroom also exceeds the minimum 2.75 metre width requirement for a double/twin bedroom, and any condition requiring the dwelling to be occupied by only a single occupier is considered to be unenforceable.
- 4.9 Given that the dwelling appeared to be in use as a two person unit at the time of the site visit, and given the dimensions and internal floor space within the bedroom, resulting in capability for use as a twin/double room, the Council considers that the 50 m<sup>2</sup> minimum requirement stated within both the SPD on design and the *THS*, is applicable in this instance. The dwelling (existing and extended) would fall significantly short of this floor space requirement and as such is considered to provide a poor level of amenity for future occupiers. The scheme is therefore considered contrary to policy EN1 and unacceptable in this regard.
- 4.10 The building is already in use as an unauthorised residential dwelling and provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14, are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control. In view of the need to enforce planning law for the public good, it is not considered that this would contravene the Human Rights Act. Given the harm caused to the amenity of surrounding neighbours due to the unacceptable noise and disturbance, it is considered to be expedient to take enforcement action against this use.
- 4.11 It is therefore recommended that enforcement action be taken to :-

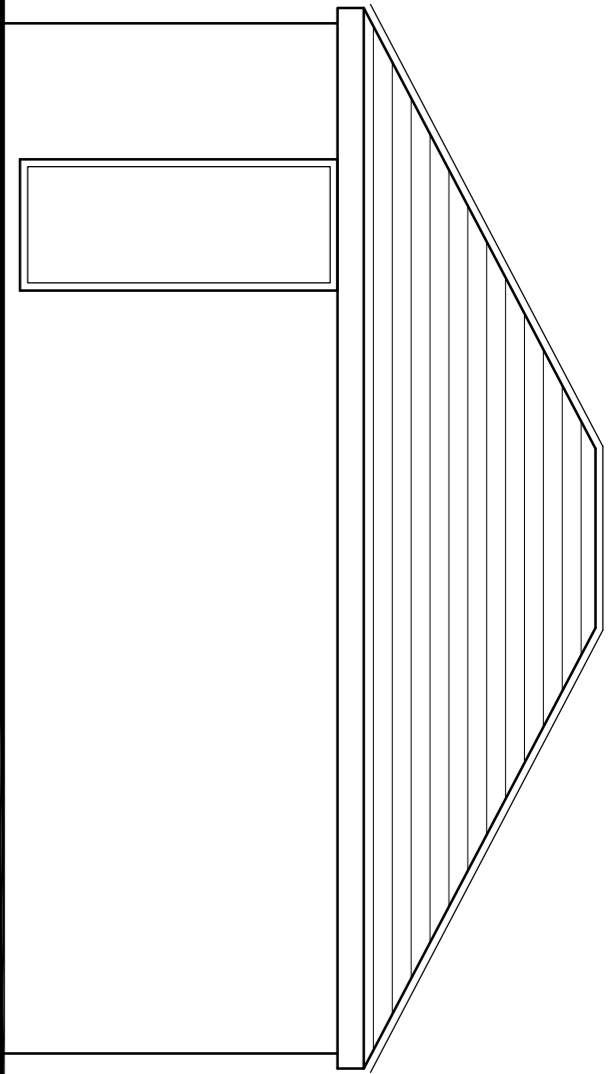
Secure the removal of this unauthorized residential unit. However, regard must also be had to the need to give sufficient time for compliance and for the existing occupants to find alternative accommodation. A six month period is considered to be reasonable.

**5.0**    Recommendation

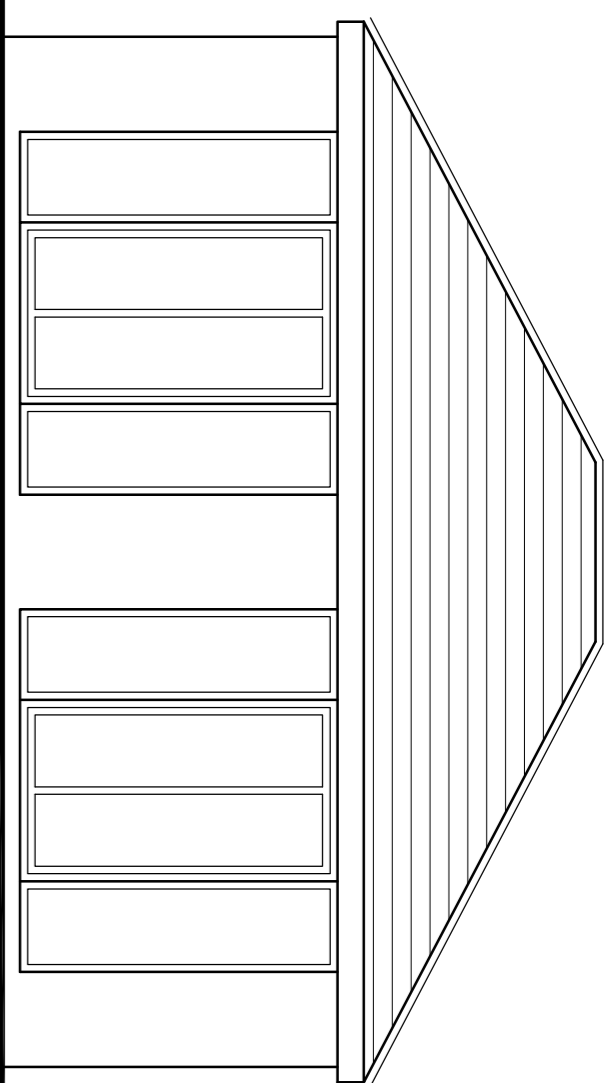
- 5.1    That an Enforcement Notice be issued requiring the following steps: -  
Remove and demolish the unauthorised residential unit.  
Such Notice to be complied with within 6 months of it taking effect.

Reasons for Serving of Notice

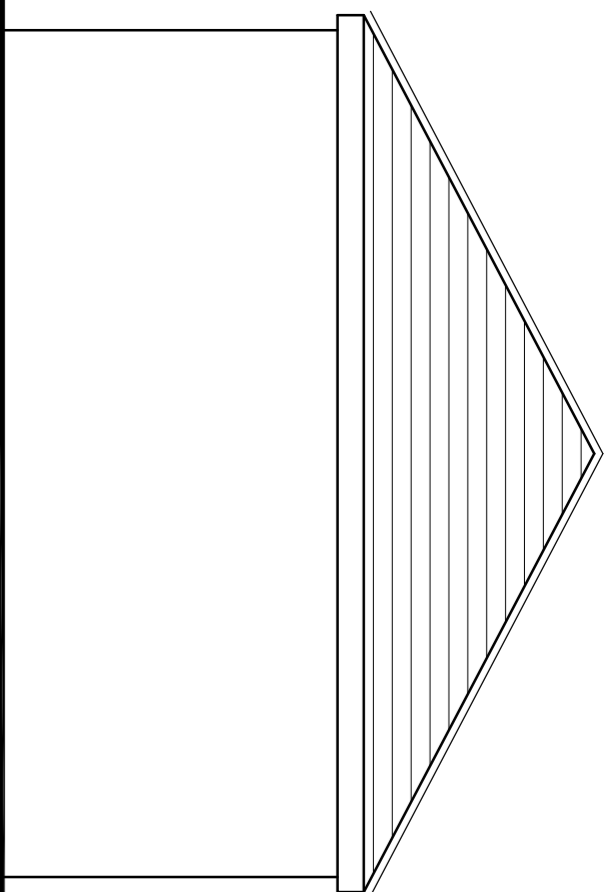
- 5.2**    The current development consisting of a single storey residential dwelling has an unacceptable impact upon the character of the area, and detracts from the surrounding building pattern. The scheme introduces an incongruous feature within the surrounding landscape and represents an over development of the site. The one bedroom unit is considered to provide insufficient habitable accommodation leading to a harmful impact upon the occupiers of the unit. The scheme is therefore contrary to policy EN1 of the Core Strategy and Policies DPD 2009, and the Supplementary Planning Document on the Design of Residential Extensions and New Residential Development 2011.



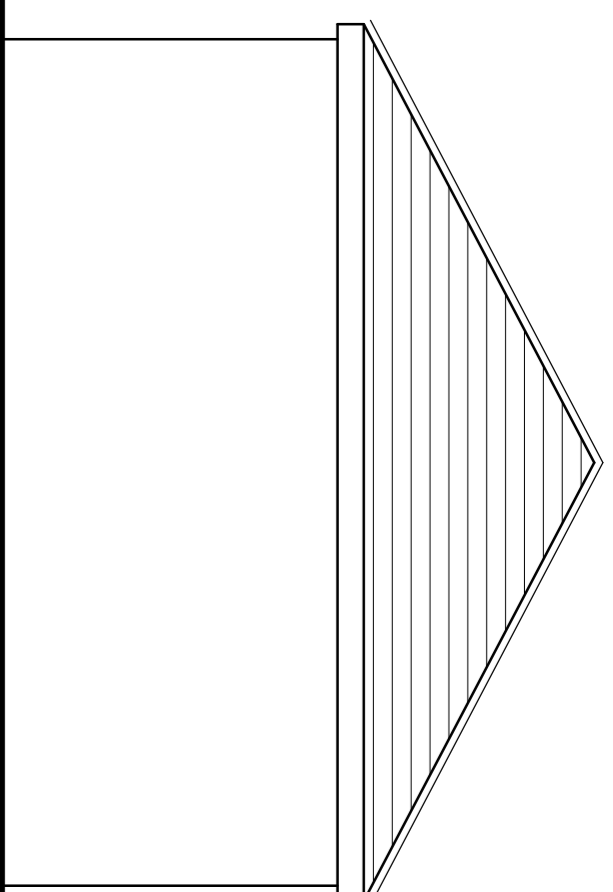
EXISTING REAR ELEVATION



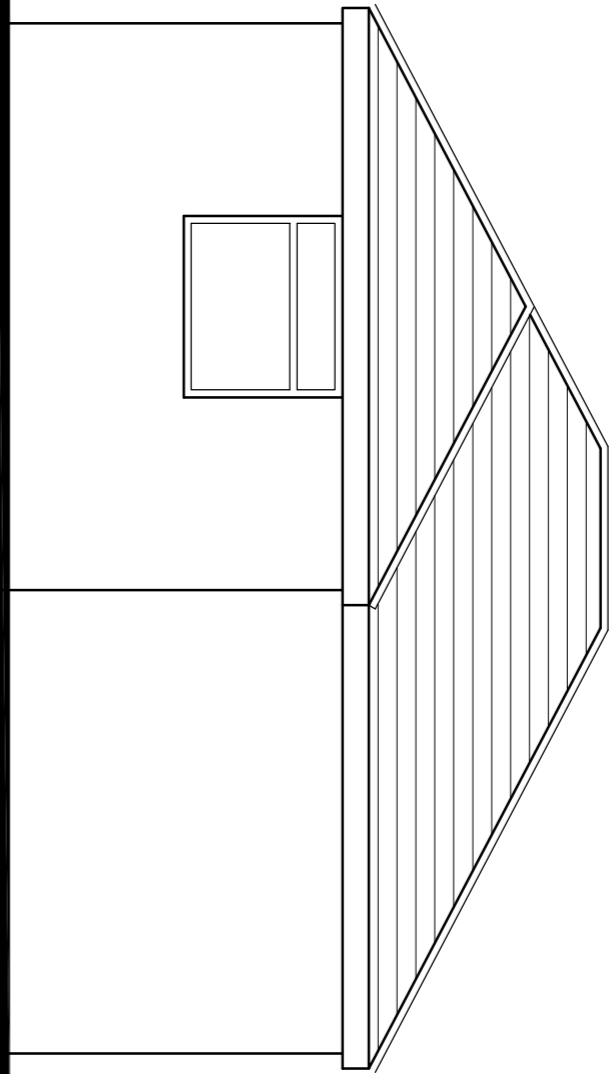
EXISTING FRONT ELEVATION



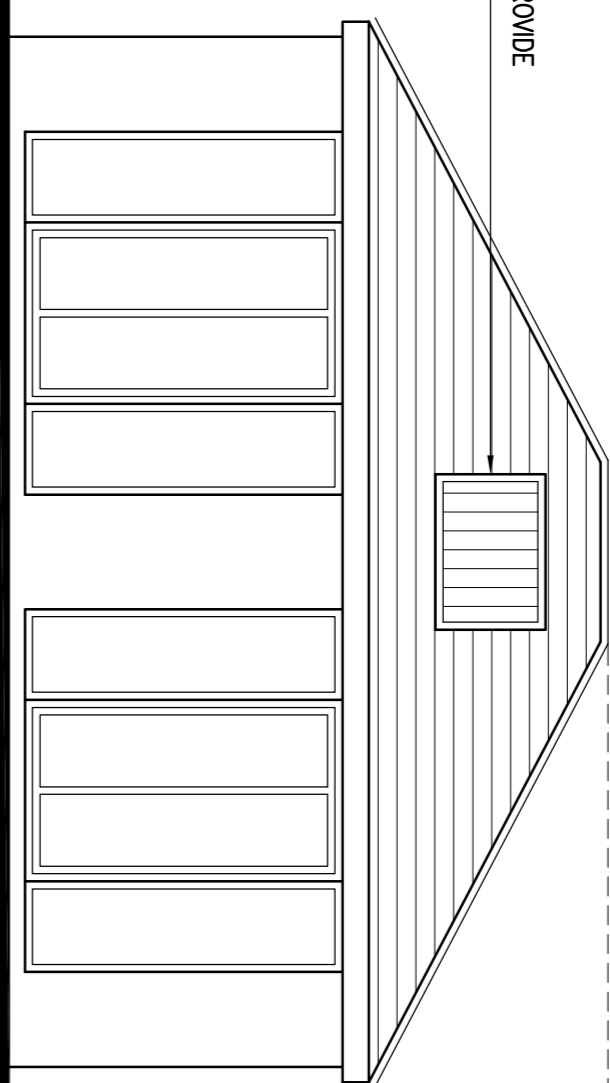
EXISTING SIDE ELEVATION



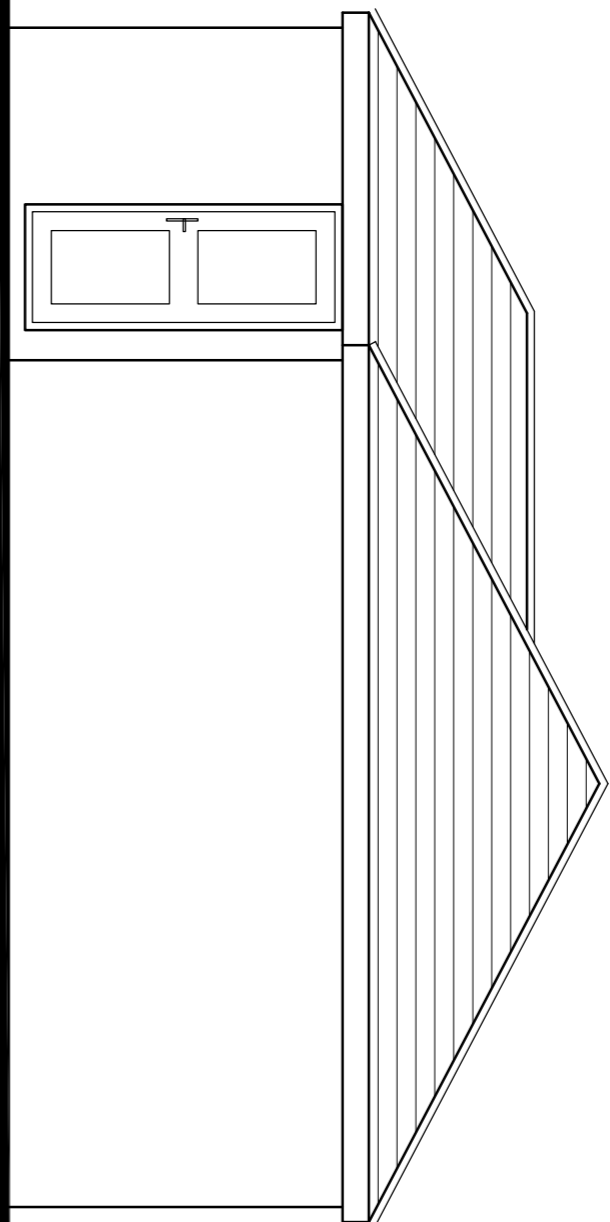
EXISTING SIDE ELEVATION



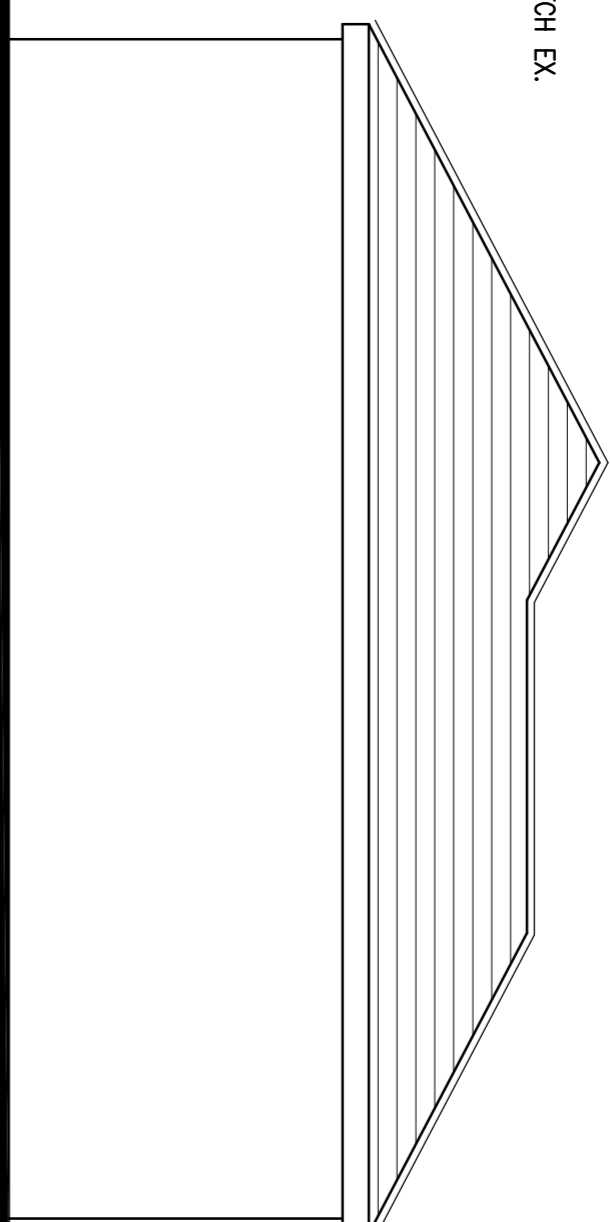
PROPOSED REAR ELEVATION



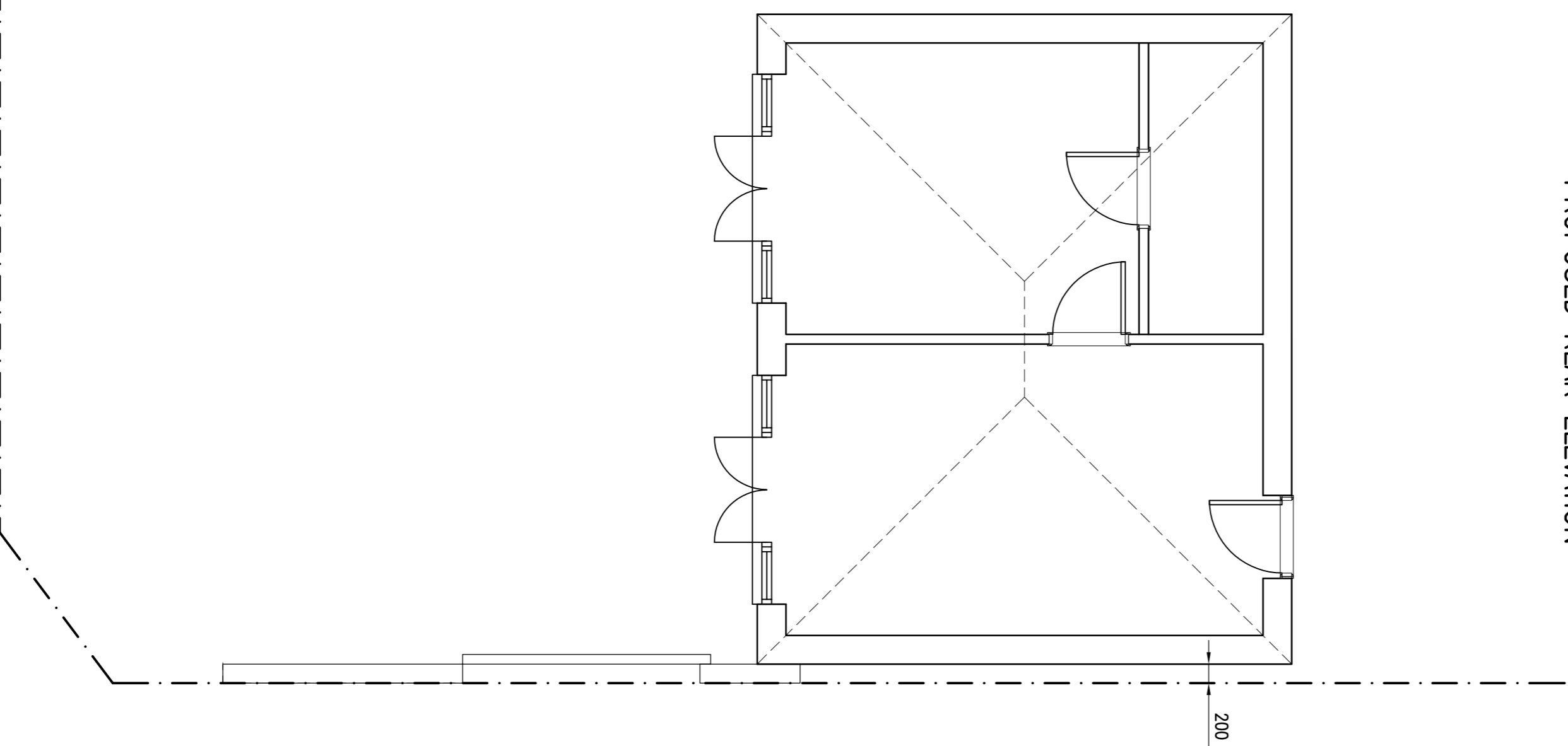
PROPOSED FRONT ELEVATION



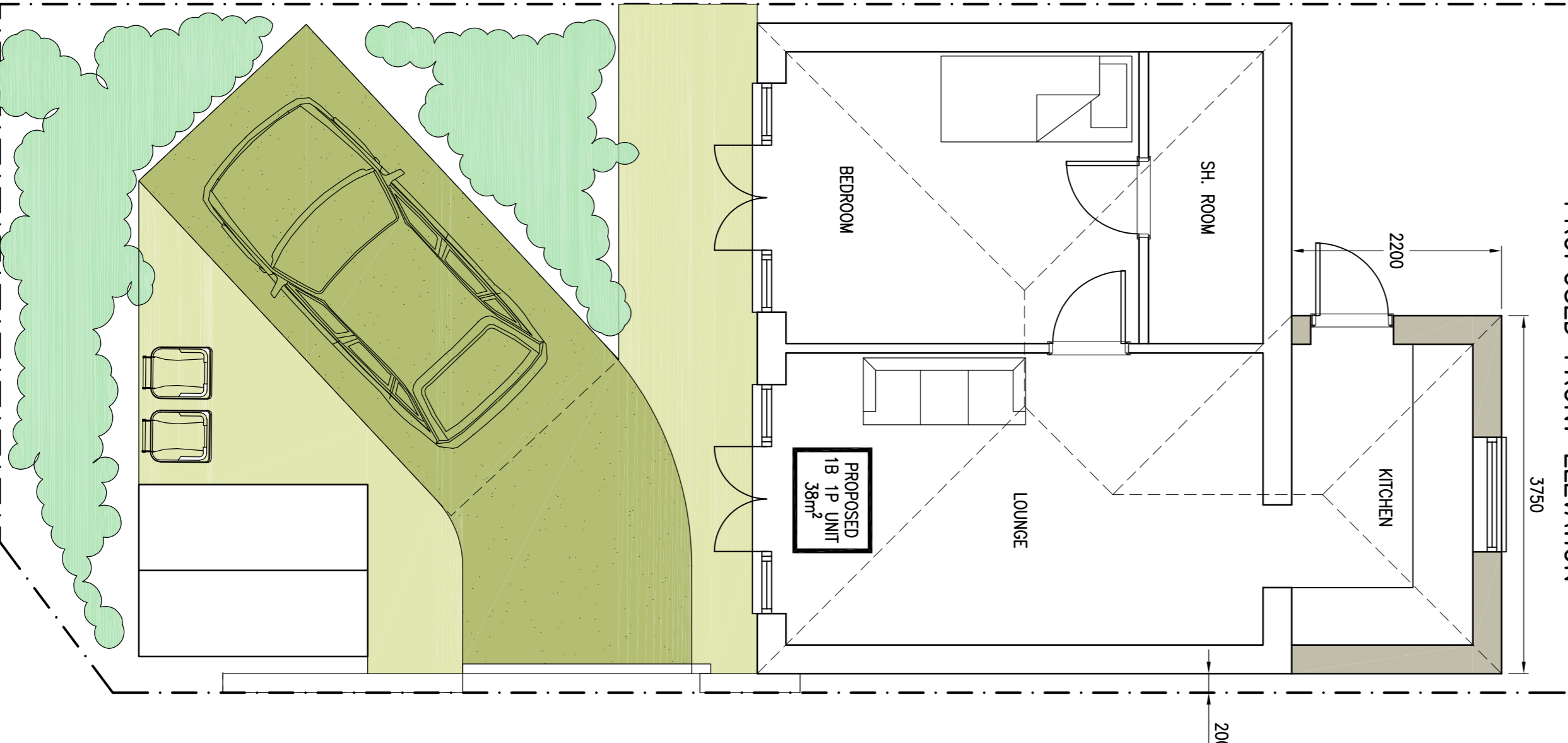
PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION



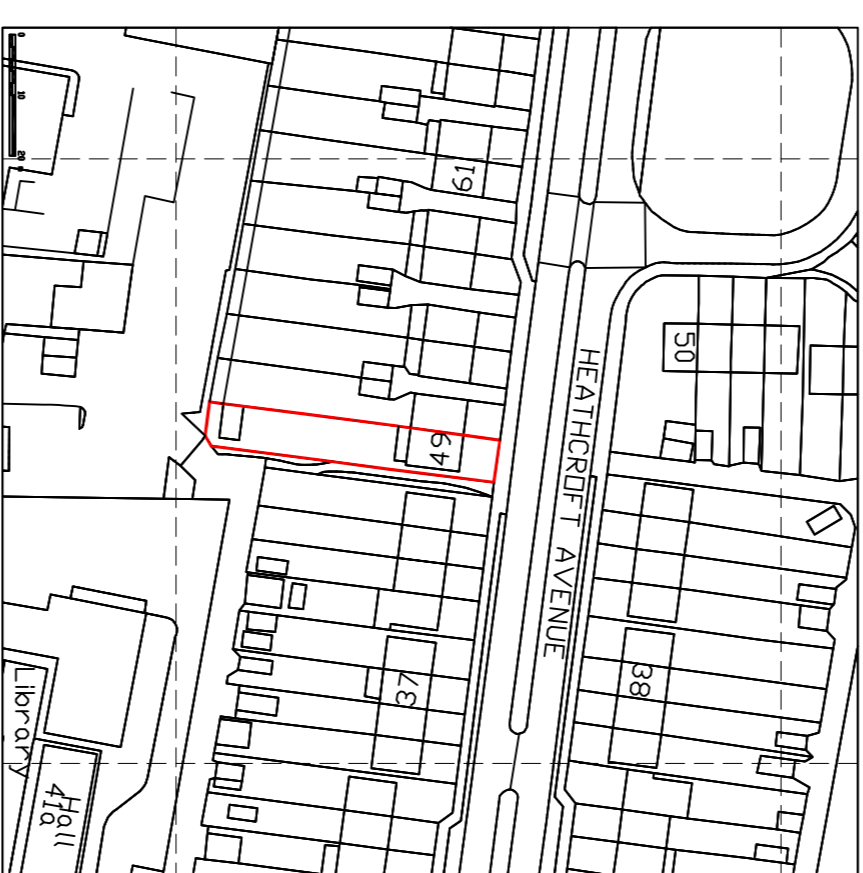
EXISTING GROUND FLOOR



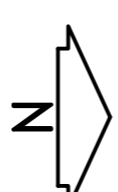
PROPOSED GROUND FLOOR



PROPOSED SITE PLAN 1:200



LOCATION PLAN 1:1250  
(Streetwise licence No. 100047474)



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design

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PLANNING ISSUE

Address  
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Title  
**PROPOSED DWELLING**

Dwg. No. **HA/49/10**

Scale : 1:50, 1:100 & 1:1250 @ A1

Revision:  
Date: JUNE 17

0m 1m 2m 4m 1:100 6m 8m 10m  
0m 1m 1m 2m 1:50 3m 4m 5m