

ENFORCEMENT REPORT

BREACH OF CONDITION 2 OF PLANNING PERMISSION
07/02026/FUL AND THE UNAUTHORISED ERECTION OF A SINGLE
STOREY EXTENSION TO THE REAR OF 29 RATCLIFFE ROAD

1. PURPOSE OF THE REPORT

The purpose of this report is to inform Board Members of breaches of planning control and to make representations on any further action required.

2. BACKGROUND

- 2.1 29 Radcliffe Road forms part of a terrace of brick built, slate roofed, three storey properties (built approx 1890 – 1910), with a variety of single/two storey offshot extensions having been added to their rear elevations at various times in the past.
- 2.2 A complaint was received concerning a rear extension to number 29 and investigations revealed that it is single storey; brick built with a slate covered mono-pitched roof, and has been added to an existing offshot.
- 2.3 Correspondence was entered into, with the property owner, advising that, because of its size (5.65 x 3.1m), the extension exceeded, by 2.65m, permitted development limits set out in the General Permitted Development Order, relating to house extensions and therefore planning permission is required.
- 2.4 The owner was also advised that it was unlikely that planning permission would be recommended for approval, for the reasons set out later in this report at paragraph 3.
- 2.5 The owner was further advised that the extension could be reduced in size, by 2.65m to comply with permitted development limits; so as not to require an application.
- 2.6 The owner responded, by stating that because the extension did not project 3m beyond the original single storey offshot it was permitted development however, further investigation proved this to be incorrect because the extension is more than half the width of the original

property, and extends beyond the rear elevation; therefore, permitted development rights do not apply to the development.

- 2.7 This was originally explained in an email, in October 2010 (prior to the extension being built), following a request for pre-application advice by an agent acting on the owner's behalf.
- 2.8 Responding to a second complaint, regarding the erection of a front dormer window, it was discovered to have been built in breach of Condition 2 of planning permission 07/02026/FUL; in that the material used to clad the dormer front, and side cheeks, does not match the existing roof covering.
- 2.9 In spite of further correspondence, reminding the owners of the two breaches of control identified, they have not applied for retrospective planning permission for the extension; nor have they taken any steps to comply with the condition requiring front dormer to be finished in materials which are in keeping with the existing roof.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The extension is more than half the width of the original property and extends beyond the rear wall causing overshadowing of the single storey extension to number 31. This is considered to be contrary to the UDP Policies H5 (b) and H15 (c); and Supplementary Planning Guidance 'Designing House Extensions – Guideline 5' (See photographs 1 – 2).
- 3.2 The extension has a side window that directly overlooks the immediate rear of number 27 resulting in a loss of privacy; and, therefore, considered to be contrary to UDP Policies H5 (b) and H14 (c); and SPG Guideline 6 (See Photograph 3).
- 3.3 The front dormer window has been finished in white PVC shiplap boarding that breaches Condition 2 of the planning permission (granted in 2007) which required the front and cheeks to be clad in materials that match the existing roof covering (See photograph 5).
- 3.4 The extension's stark appearance is considered as causing visual harm to the amenities of the street and to be contrary to UDP Policy H14.

4. ASSESSMENT OF ENFORCEMENT OPTIONS

- 4.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice (PCN). It requires information about the suspected breach control and property ownership. It also gives an opportunity for the developer to meet with officers to make representations. In this case it is clear that the extension and dormer window are in breach of planning control and as

such it is not considered that the serving of a PCN would be of any value.

4.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the extension to make good the harm caused by the unauthorised development.

4.3 Section 187A of the Act provides for the service of a breach of conditions notice. In this case such a notice would require that condition 2, of planning permission ref.07/02026/FUL, is complied with by having the cladding darkened so that it is more in keeping with the existing slate roof.

5. EQUAL OPPORTUNITIES

5.1 There are no equal opportunity issues arising from the recommendations in this report.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial or equal opportunity implications arising from the recommendations contained in this report.

7. RECOMMENDATION

7.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure compliance with Condition 2 of planning permission 07/02026/FUL; and to secure the removal of the unauthorised rear extension at 29 Ratcliffe Road.

Photograph 1
Extension viewed from the rear yard of No31.



Photograph 2
Extension viewed from the rear garden of No. 27



Photograph 3
Clear glazed window overlooking the rear of No 27



Photograph 4
Front dormer window



Site Plan



D Caulfield
Head of Planning

16 October 2012

This page is intentionally left blank