

**REPORT TO CITY CENTRE, SOUTH AND
EAST PLANNING AND HIGHWAYS AREA
COMMITTEE**

DATE 13 AUGUST 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

SUBJECT ENFORCEMENT REPORT

UNAUTHORISED SITING OF TIMBER STORAGE BUILDING FORWARD OF THE PRINCIPAL
ELEVATION OF A DWELLING HOUSE AT 44 FELLBRIGG ROAD S2

SUMMARY

THE PURPOSE OF THIS REPORT IS TO INFORM COMMITTEE MEMBERS OF A BREACH OF PLANNING
CONTROL AND TO MAKE RECOMMENDATIONS ON ANY FURTHER ACTION REQUIRED.

RECOMMENDATIONS

THAT AUTHORITY BE GIVEN TO THE DIRECTOR OF DEVELOPMENT SERVICES OR HEAD OF PLANNING TO
TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION AND THE INSTITUTION OF LEGAL
PROCEEDINGS, IF NECESSARY, TO SECURE THE REMOVAL OF THE UNAUTHORISED TIMBER STORAGE
BUILDING.

FINANCIAL IMPLICATIONS

PARAGRAPHS

CLEARED BY

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS FIONA SINCLAIR

TEL NO: 273 7370

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

CLOSED
Paragraphs(s)

ENFORCEMENT REPORT

UNAUTHORISED SITING OF TIMBER STORAGE BUILDING FORWARD OF THE PRINCIPAL ELEVATION OF A DWELLING HOUSE AT 44 FELLBRIGG ROAD S2

1. PURPOSE OF REPORT

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

2. BACKGROUND

- 2.1 A complaint was received regarding the siting of a timber storage building on a hard standing in front of the principal elevation to No. 44 Fellbrigg Road.
- 2.2 Correspondence was entered into, with the owner/occupier, advising him that the storage building does not meet the requirements of Class E of the Permitted Development Order 2008, and that given it is unlikely that planning permission would be granted he should arrange to have it removed.
- 2.3 The owner/occupier responded by claiming the building was a temporary store for materials whilst renovation work is being carried out at the property; but would not specify how long it is to remain there.
- 2.4 Despite correspondence instructing the owner to remove or relocate the building in the rear garden he has yet to do so.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 Due to its location in front of the dwelling's principal elevation the building, a 3.10m x 1.86m x 2.00m high timber prefabricated shed, would not benefit from the Permitted Development rights for outbuildings within the curtilage of a dwelling house, as described in Class E of the Permitted Development Order 2008; which states that:

Development is not permitted if any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house.

3.2 The street scene, at this locality, is entirely residential in character and there is no other similar development on Fellbrigg Road; and, with regard to this, the building is considered as causing visual harm to the amenities of the street and to be contrary to policy H14 of the Unitary Development Plan (see photograph).

4. ASSESSMENT OF ENFORCEMENT OPTIONS

4.1 Section 171C of the Town and Country Planning Act provides for the service of a Planning Contravention Notice. The notice requires information about the breach of planning control and property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. Such a meeting could be used to encourage regularisation by retrospective application and/or discussions about possible remedies where harm has resulted from the breach. In this case, however, such a notice is not considered appropriate as details of use, ownership and interests in the land have already been established. Moreover, attempts encourage the owner to remedy the situation have failed; and, regularisation by planning permission is not recommended in this report.

4.2 Section 172 of the Town and Country Planning Act provides for the service of an Enforcement Notice. In this case such a notice would be appropriate and would require the removal of the unauthorised building from the front of 44 Fellbrigg Road.

5 EQUAL OPPORTUNITIES

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

6 FINANCIAL AND EQUAL OPPORTUNITY IMPLICATIONS

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

7.0 RECOMMENDATIONS

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 the removal of the unauthorised timber building at 44 Fellbrigg Road

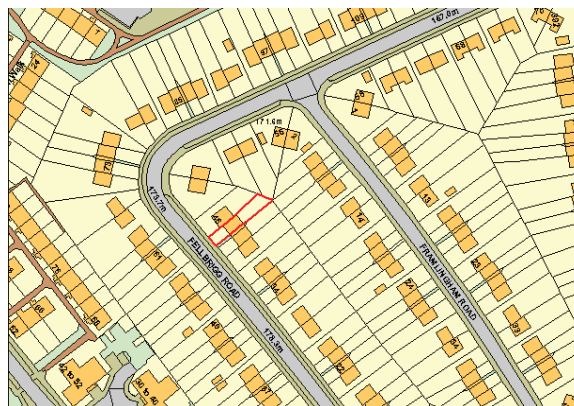
Photograph showing unauthorised timber building



Edited photograph showing how the property would look following the building's removal



SITE PLAN



D Caulfield
Head of Planning Service

18 July 2012