

## DEVELOPMENT SERVICES

CITY CENTRE, SOUTH &  
EAST PLANNING AND  
HIGHWAYS COMMITTEE  
17 DECEMBER 2012

## ENFORCEMENT REPORT

### UNAUTHORISED EXTENSION TO THE REAR OF THE CASPIAN RESTAURANT 137-139 ABBEYDALE ROAD

#### 1. PURPOSE OF THE REPORT

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

#### 2. BACKGROUND

- 2.1 137-139 Abbeydale Road forms part of a terrace of brick built, slate roofed, two storey mixed use commercial/residential properties;(built approx 1870 – 1880); 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, on 29 August 2012, concerning a large rear extension to numbers 137-139. Investigations revealed that it is single storey; timber built with a felt covered mono-pitched roof; and built to create a waiting area for the restaurant to which it is attached. It also immediately abuts the predominately residential street scene of Wolsey Road (Photographs 1&2).
- 2.3 Correspondence was entered into, with the property owner, advising that, because of its size and location it is unlikely that planning permission would be recommended for approval, for the reasons set out later in this report at section 3.
- 2.4 The owner was further advised to speak with a Planning Officer to discuss the type and size of extension that would be considered as being acceptable.
- 2.5 In spite of this, the owners have not applied for planning permission for a revised extension.

### 3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The extension is built of poor quality materials is, therefore, not in character with both the building to which it is attached and that of neighbouring properties; and therefore is considered to be contrary to UDP policies BE5 (c) and H14 (a) (See photographs 2 and 3).
- 3.2 The extension, as built, is faced with plywood sheets, which appear to have been painted brown, and does not, therefore, reflect the dominant material in the street scene. It also incorporates a shallow pitch roof which is at odds with the steeper pitches of adjacent residential property.
- 3.3 In addition the extension projects significantly beyond the front wall of adjacent Wolsey Road dwellings, which increases its prominence in the street scene; and renders the quality of materials and design more significant.
- 3.4 It is acknowledged that the extension provides a form of screen to a collection of unsightly fire escape stair cases, to the rear of the properties, when viewed from Wolsey Road. Therefore, some form of extension here, to provide the facilities the business requires, maybe acceptable. However in its current form the extension detracts from the appearance of the street scene, to a degree that cannot be supported.
- 3.5 The extension's appearance is, therefore, considered to cause visual harm to the amenities of the residential properties in Wolsey Road; and to be contrary to UDP Policy 14.

### 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.

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. 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 rear extension at 137-139 Abbeydale Road.
- 7.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Photograph 1  
Residential Properties (Wolsey Road) immediately opposite the extension



Photograph 2  
Extension viewed from Wolsey Road.



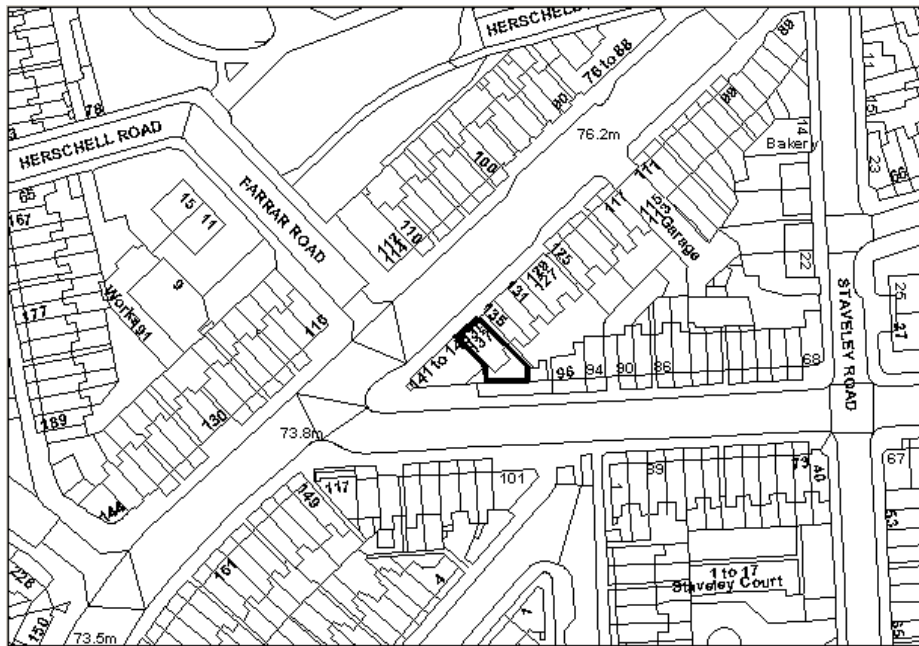
Photograph 3  
Extension as viewed from Abbeydale Road



Photograph 4  
Rear aspect to the property prior to the building of the extension



# Site Plan



D Caulfield  
Head of Planning

**Date: 3 December 2012**