

DEVELOPMENT SERVICES

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

ENFORCEMENT REPORT

UNAUTHORISED FRONT DORMER WINDOW AT 79 BARBER 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 79 Barber Road forms part of a terrace of brick built, slate roofed, two storey dwelling houses (built approx 1890 – 1910), with a variety of roof lights and dormer windows having been added to their front roof slopes at various times in the past (See photograph 1).
- 2.2 A complaint was received, on 7 September 2012, concerning a large, white PVC clad flat roofed, dormer window that has been added to the property's front roof slope.
- 2.3 Correspondence was entered into, with the property owner, advising that, because of its size and appearance 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 dormer window that would be considered as being acceptable.
- 2.5 In spite of this, the owner has not applied for planning permission for a revised dormer window.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The dormer window, which covers a significant proportion of the property's front roof slope, is not in scale and character with both the building to which it belongs and that of neighbouring properties; and, therefore, is considered to be contrary to UDP policies BE5 (c), H14 (a) and SPD Guideline DHE5.(See photograph 1).

- 3.2 The dormer, as constructed, is excessively large, dominates both the roof slope and street scene, and, due to its design and materials, is entirely out of character with the property on which it is displayed.
- 3.3 Although other dormer windows exist within the street scene, this particular dormer is considerably larger, is not set back from the eaves of the main property, and as such is much more prominent and harmful to the street scene. The large dormer to the right hand side of photograph 1 is unfortunately more than four years old, so immune from enforcement action. However, the smaller dormer, lower down the hill has planning permission but has been constructed in the wrong materials. Officers are pursuing this matter with the owner to ensure the dormer is clad in tiles to match those of the main roof, which will significantly improve its appearance.
- 3.4 The dormer window's appearance is, therefore, considered to cause visual harm to the amenities of the residential properties in Barber Road; and 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 dormer window 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. 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 the removal of the unauthorised front dormer window at 79 Barber 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
67-85 Barber Road



Photograph 2



Site Plan



D Caulfield
Head of Planning

Date: 3 December 2012

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