

EXETER CITY COUNCIL

PLANNING COMMITTEE 6 SEPTEMBER 2010

ENFORCEMENT PROGRESS REPORT

1.0 PURPOSE OF REPORT

- 1.1 To update Members on enforcement matters.

2.0 CASES OPENED AND CLOSED BETWEEN 5 JULY 2010 AND 17 AUGUST 2010

Cases opened: 14

Cases closed: 13

Outstanding number of cases: 123

3.0 NOTICES ISSUED

- 3.1 None

4.0 NOTICES COMPLIED WITH

- 4.1 ENF/09/9 – 32 Commins Road, Exeter – Enforcement Notice issued on 14 September 2009 for the construction of timber decking and fencing at the rear of the property. The Notice took effect on 19 October 2009 and gave a period of 6 months for compliance. Following approval of an amended scheme for the decking in March 2010, a compliance site visit on 2 August 2010 found that the unauthorised elements have been removed and the Enforcement Notice complied with.

5.0 CURRENT APPEALS

- 5.1 ENF/08/98 – Silver Springs, 12 Richmond Road, Exeter – Listed Building Enforcement Notice issued on 2 September 2009 for
1. Installation of uPVC windows, fascia boards and rainwater goods on front and rear elevations of the building;
 2. Installation of brick boiler house and pipework on the land at the rear of the building;
 3. Installation of a timber panel fence on the land to the south east boundary between the garden and parking area;
 4. Installation of a structure comprising a dwarf wall and plastic rooflight with a wooden frame on the land at the front of the building.

An appeal was submitted on 19 November 2009 and is being dealt with by written representations. The Council's statement was submitted on 10 December 2009. The Inspector's decision is now awaited.

- 5.2 ENF/09/114 – 134 Sidwell Street, Exeter – Discontinuance Notice issued on 25 February 2010 for the display of advertisements on the side elevation of the premises fronting Summerland Street. An appeal was submitted on 22 April 2010 and is being dealt with by written representations. The Council's

statement was submitted on 30 April 2010. The Inspector's decision is now awaited.

- 5.3 ENF/09/104 – 26 Victoria Road, Topsham, Exeter – Listed Building Enforcement Notice issued on 16 March 2010 for a number of unauthorised internal works to the listed building. An appeal was submitted on 14 April 2010 and is being dealt with by written representations. The Council's statement was submitted on 11 June 2010. The Inspector's decision is now awaited.
- 5.4 ENF/09/66 – 1 Newcourt Road, Topsham, Exeter – Enforcement Notice issued on 17 June 2010 for engineering works removing the earth bank and hedgerow and the installation of hardstanding and plastic meshing to create a parking space. An appeal was submitted on 5 August 2010 and is being dealt with by written representations. The Council's statement is due on 16 September 2010.

6.0 ENFORCEMENT APPEAL DECISIONS

- 6.1 ENF/09/39 – 11 Exeter Road, Topsham, Exeter – Enforcement Notice issued on 14 January 2010 for the construction of a carport and garden room. An appeal was received on 8 March 2010 and dealt with by written representations. The appeal was part allowed, part dismissed on 15 July 2010.
- 6.2 While the Planning Inspector acknowledged that the garden room has not been built in accordance with the approved plans and is undoubtedly greater than that of the permitted scheme, he did not consider the impact of the resulting development to be unduly obtrusive. The Inspector accepted that the garden room extended further towards the rear elevation of the neighbouring property but did not consider there to be an unacceptable loss of privacy through overlooking, and therefore, granted planning permission for this aspect of the development.
- 6.3 The Inspector acknowledged that the car port has not been built in accordance with the approved plans insofar as the ridge height is some 0.5 metres greater than permitted. The Inspector concluded that the resulting car port represented an unduly dominant structure on the site and within the surroundings and in this respect, dismissed the appeal and upheld the Enforcement Notice. The car port must be reduced in height to accord with the approved plans by 15 November 2010.

7.0 OTHER ISSUES

- 7.1 ENF/10/44 – Bombay Bills, 38 Commercial Road, Exeter – Authorisation was granted on 25 June 2010 to proceed with prosecution action against the operators of the business for unauthorised works to a Grade II listed building. The matter was due to be heard at Exeter Magistrates' Court on 27 July 2010 but was subsequently adjourned until 17 August 2010. Following not guilty pleas by both the leaseholder of the premises and the operators of the business, the matter has been further adjourned for pre-trial review until 21 September 2010.
- 7.2 ENF/05/226 – 29 Addington Court, Horseguards, Exeter – Following the owners continued failure to comply with the terms of a Breach of Condition

Notice originally issued on 24 August 2006, an Injunction Order was granted at Exeter County Court on 24 February 2010 requiring the owners to cease use of the former garage as living accommodation and reinstate the garage doors to enable access by a vehicle. Compliance was due on 31 July 2010. A site visit on 16 August 2010 found that the terms of the Injunction Order have been complied with and as such, the breach of planning control has now been resolved.

8.0 RECOMMENDATION

8.1 That this report be noted.

**RICHARD SHORT
HEAD OF PLANNING AND BUILDING CONTROL
ECONOMY AND DEVELOPMENT DIRECTORATE**

**Local Government (Access to Information) 1985 (as amended).
Background papers used in compiling the report: none.**