

EXETER CITY COUNCIL

PLANNING COMMITTEE

8 DECEMBER 2008

ENFORCEMENT PROGRESS REPORT

1.0 PURPOSE OF REPORT

1.1 To update members on enforcement matters.

2.0 CASES OPENED AND CLOSED BETWEEN 13 OCTOBER 2008 AND 19 NOVEMBER 2008

Cases opened: 18

Cases closed: 21

Outstanding number of cases: 111

3.0 NOTICES ISSUED

- 3.1 ENF/07/220 – 12 Birchy Barton Hill – Enforcement Notice issued on 3 September 2008 for the material change of use without planning permission from a single dwellinghouse and its curtilage, to a mixed use comprising:-
(a) a single dwellinghouse and its curtilage; and
(b) use as an operating base for a construction business, and for storage of building materials, scaffolding, waste, vehicles, plant and machinery in connection with that business.
- 3.2 The notice requires the cessation of the use as a base for conducting business activity, to the extent that it involves (a) the storage of building materials, scaffolding, waste, vehicles, plant and machinery, (b) the burning of waste, and (c) the regular attendance at the property by staff of the business who do not live there. The notice also requires the removal from the land of all building materials, scaffolding, waste, vehicles, plant and machinery except those currently being used in connection with building works on the Land and vehicles which are personal transport. The notice took effect on 15 October 2008 and gave 2 months to comply. There was a problem serving the notice on the owner and so it has been withdrawn. A fresh notice was served on 21 October 2008 and took effect on 2 December 2008 and gives 2 months for compliance.
- 3.2 ENF/08/136 – 116 Monks Road – Enforcement Notice issued on 17 November 2008 for a material change of use of the land without planning permission from a single dwellinghouse and its curtilage, to a mixed use comprising:-
a) a single dwellinghouse: and
b) use in connection with a construction business, for storage and distribution of building materials, office and mess facilities for staff.
The notice takes effect on 22 December 2008 and gives 1 month for compliance.
- 3.3 ENF/08/109 – 44 Manston Road – Enforcement Notice issued on 18 November 2008 for a dormer extension to the roof at the rear of the building. The notice takes effect on 23 December 2008 and gives 4 months for compliance.
- 3.4 ENF/08/ - 17 Clinton Avenue – Enforcement Notice issued on 17 November 2008 for a dormer extension to the roof at the rear of the building. The notice takes effect on 29 December 2008 and gives 4 months for compliance.

4.0 NOTICES COMPLIED WITH

- 4.1 ENF/08/075 – 19 Mayfield Road – Enforcement Notice issued on 25 June 2008 for the erection of a fence on the western boundary. The notice took effect on 18 August 2008 and gave 2 months for compliance. A site visit on 10 November 2008 found that the fence had been removed and the notice complied with.

5.0 CURRENT APPEALS

- 5.1 ENF/08/0081 – Anchor House, 46 The Strand, Topsham -Enforcement Notice issued on 7 August 2008 for the removal of two dormers and formation of truncated gable and installation of four roof lights on the eastern elevation of the building. The requirements of the notice are to modify the roof on the eastern elevation of the building to reinstate the dormer windows as previously existing, in their former positions on the roof. The shape and dimensions of the reinstated dormers should match the structures which previously existed, but the materials, detailing and colours should match those used on first floor dormers on other elevations of the building. The notice took effect on 18 September 2008 and gives 9 months for compliance. An appeal was received on 17 October 2008 and is being dealt with by written representations. The Council's statement was submitted on 26 November 2008 and final comments are due by 17 December 2008.
- 5.2 ENF/07/234 – Land to the South of 68 and 33 Fleming Way – Enforcement Notice issued on 24 July 2008 for the erection of timber close boarded fence on southern boundary of the land (adjacent to footpath/cycleway). The notice took effect on 4 September 2008 and gave 1 month for compliance. An appeal was received on 15 October 2008 and is being dealt with by written representations. The Council's statement was submitted on 21 November 2008 and final comments are due by 12 December 2008.
- 5.1 ENF/07/138 – The Dolphin, 31 Burnthouse Lane – Enforcement Notice served on 11 March 2008 for the erection of a fence enclosing an area on the north eastern side of the public house. An appeal was received on 22 May 2008 and is being dealt with by written representations. The Council's statement was submitted on 25 June 2008 and the Inspector's decision is now awaited.
- 5.2 ENF/08/038 – 10 Russell Terrace – Listed Building Enforcement Notice issued on 25 April 2008 for:
1. Installation of plastic rainwater goods on ground floor rear extension;
 2. Installation of circular window on rear elevation at first floor level; and
 3. Installation of plastic dome in roof of ground floor rear extension.
- The notice took effect on 6 June 2008 and gives three months for compliance. An appeal was received on 23 June 2008 and is being dealt with by written representations. The Council's statement was submitted on 23 July 2008 and final comments were submitted on 13 August 2008. The Inspector's decision is now awaited.
- 5.3 ENF/06/084 - 35 Countess Wear Road – Enforcement Notice issued on 9 April 2008 for the construction of dormer windows larger than shown on an approved planning permission (reference 03/0278/03). The notice took effect on 23 May 2008 and gives 6 months for compliance. An appeal was received on 13 June 2008 and is being dealt with by written representations. The Council submitted its statement on 23 July 2008 and final comments on 13 August 2008. The Inspector's decision is now awaited.
- 5.4 ENF/07/197 - The Old Firehouse, New North Road – Listed Building Enforcement Notice issued on 29 February 2008 for:
1. Construction of timber shelter with corrugated metal roof along front elevation;
 2. Installation of extraction ducting on western elevation of link building;

3. Erection of timber outbuilding in courtyard;
4. Installation of raised floor at ground floor level in western corner;
5. Installation of dummy fireplace and chimney breast at ground floor level;
6. Installation of protruding plasterboard cupboard to kitchen over stairwell;
7. Installation of meshed safety glass window light above internal door in partition to stairwell at ground floor level in southern part of the Building (to the rear of the ladies toilets);
8. Cladding of internal pipework/wiring throughout;
9. Installation of meshed safety glass to internal partition at first floor level in eastern corner.

The notice took effect on 4 April 2008 and gave 3 months for compliance. An appeal was received on 24 June 2008 and is being dealt with by an Informal Hearing on 13 January 2009.

- 5.5 ENF/08/020 – 138 Lower Wear Road – Enforcement Notice issued on 7 July 2008 for a detached greenhouse in north eastern section of rear garden. The notice took effect on 18 August 2008 and gives four months for the structure to be demolished and removed. An appeal was received on 13 August 2008 and is being dealt with by written representations. The Council's statement was submitted on 24 September 2008 and final comments were due by 15 October 2008.

6.0 ENFORCEMENT APPEAL DECISIONS

- 6.1 ENF/07/065 – 79 Fore Street, Topsham – Listed Building Enforcement Notice served on 8 February 2008 for unauthorised signs to the front elevation and the side-facing wall outside the shop doorway at the front of the building. An appeal was received on 12 May 2008 and was dealt with by an Informal Hearing on 14 October 2008. The appeal was dismissed and the enforcement notice upheld on 28 October 2008. The owner has one month to comply with the notice and the outcome of a compliance site visit will be reported at the next committee.

7.0 RECOMMENDATION

- 7.1 That this report be noted

**RICHARD SHORT
HEAD OF PLANNING SERVICES
ECONOMY AND DEVELOPMENT DIRECTORATE**

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