

EXETER CITY COUNCIL

PLANNING COMMITTEE

10 DECEMBER 2007

ENFORCEMENT PROGRESS REPORT

1.0 PURPOSE OF REPORT

1.1 To update members on enforcement matters.

2.0 CASES OPENED AND CLOSED BETWEEN 17 OCTOBER 2007 AND 21 NOVEMBER 2007

Cases opened: 17

Cases closed: 40

Outstanding number of cases: 130

3.0 NOTICES ISSUED

3.1 ENF/06/047 – Pinbrook House, Cheynegate Lane – Listed Building
Enforcement Notice (Breach of Condition) served on 11 October 2007.
On 18 April 2007, listed building consent was granted for external alterations to provide a ground floor extension on the north elevation, subject to the following conditions (among others):-

"2 *The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details received by the Local Planning Authority on 12 December 2006 (dwg. no's. Drawing 02 and Drawing 03), as modified by other conditions of this consent.*

Reason: *In order to ensure compliance with the approved drawings.*

4 *Samples and details of the timber stain and natural slates intended to be used externally in the construction of the development shall be submitted to the Local Planning Authority within 1 month of the date of this permission. The existing roof of the extension shall be wholly removed and replaced in accordance with these details within 4 months of the date of this permission.*

Reason: *To ensure that the materials conform with the visual amenity requirements of the area."*

It appears to the Council that the conditions have not been complied with in that:-

(a) artificial slate has been used, rather than natural slate, in breach of condition 4; and

(b) tape has been applied to the perimeter of the roof (apparently in place of flashing), which is not shown on the submitted details and therefore in breach of condition 2.

- 3.2 The Notice took effect on 23 November 2007 and gives 2 months for compliance. The requirements of the notice are to remove the existing man made slates from the roof, remove the tape flashing from the perimeter of the roof and replace the roof covering with Grade A Spanish slates, fixed with nails (not hooks), with code 4 lead flashings fitted to Lead Development Agency specifications.



Extension at Pinbrook House, Chenyegate Lane

- 3.3 ENF/06/250 – 9 Reynolds Close – Enforcement Notice for the erection of a fence above wall on northern boundary (the boundary with Harrington Lane). The notice was served on 11 October 2007 and took effect on 23 November 2007. The notice requires the owners to dismantle the fence on the northern boundary and remove all components of the dismantled fence from the land within 2 months.



9 Reynolds Close, Exeter

4.0 NOTICES COMPLIED WITH

- 4.1 ENF/03/355 – Land adjacent to 81-90 Hoopern Street – Enforcement Notice served on 30 September 2004 for the erection of a wall built on the north-western boundary. The requirements of the notice are to stone clad the entire wall to match the existing stone cladding. A compliance site visit on 2 November 2007 found that the wall had been clad in stone as required by the notice.
- 4.2 ENF/07/021 – Land adjacent to 81-90 Hoopern Street – Breach of Condition Notice served on 25 April 2007 for the breach of the construction hours. A site visit on 2 November 2007 found that construction has now finished on site and therefore the notice has been complied with.

5.0 CURRENT APPEALS

- 5.1 ENF/06/154 – 22 Victoria Road, Tospham – Listed Building Enforcement Notice issued on 8 June 2007 for the addition of a course of horizontal brickwork (in two sections) to front boundary wall, and (subsequently) addition of railings on top of that wall and on top of side boundary walls to front garden. The notice took effect on 17 July 2007 and requires the removal of railings from the top of the front boundary wall, and from both side boundary walls to front garden and the removal of the top course of horizontal brickwork from front boundary wall (note - the horizontal brickwork to be removed is in two sections, either side of a section of vertical brickwork which may remain) within three months. Listed Building Enforcement Notice appeal received to be dealt with by written representations. The Council's written statement has been submitted and a date for the Inspector's site visit is awaited.

- 5.2 ENF/06/228 – 4 Harefield Close – Enforcement notice issued on 3 July 2007 for the construction of a timber platform structure, fence panels, shed and pergola in the rear garden facing Cowley Bridge Road. The notice took effect on 13 August 2007 and gives 6 months for compliance. The notice requires removal of the decking and balustrading/fencing insofar as it projects westwards beyond the uppermost blockwork retaining wall, and remove the posts which previously supported the structure. Remove the timber shed and pergola and remove all materials formerly comprising the decking, balustrading/fencing, timber support posts, timber shed and pergola. The enforcement notice appeal is being dealt with by written representations and the Council's written statement has been sent to the Planning Inspector. The Inspector's site visit is awaited.
- 5.3 ENF/07/018 - 21 Lancelot Road - for the erection of a timber close-boarded fence approximately 2metres high. The requirements of the notice are to dismantle the fence on the north eastern boundary of the Land (a fence can be erected along this boundary so long as the fence together with the low brick wall does not exceed 1m in height). The notice also requires the height of the posts of the fence on the south eastern boundary of the land to be reduced, ie. the boundary between the parking area and the landscaping strip (the fence can remain along this boundary so long as the height of the posts is reduced to not more than 10cm above the top of the panels). The notice took effect on 31 August 2007 and gave 2 months for compliance. The enforcement notice appeal is being dealt with by written representations. The Council has submitted its statement and final comments are due by 14 December 2007.

6.0 ENFORCEMENT APPEAL DECISIONS

- 6.1 None received

7.0 OTHER ISSUES

- 7.1 ENF/05/005 – Land at rear of The Briars, Crabb Lane – On 3 August 2005 a retrospective application was received which sought permission for the refurbishment and rebuilding of garden store, potting shed, plant shed and store. This application was refused on 27 September 2005. An enforcement notice was issued on 17 November 2005 for the unauthorised works to two buildings, comprising partial rebuilding and extension. The notice required the owner to demolish and remove from the land specific walls within the two structures. The Notices took effect on 23 December 2005 and gave six months for compliance. The owner appealed the enforcement notice and the Planning Inspector subsequently dismissed the appeal on 2 May 2006. The owner has showed no signs of complying with the enforcement notice and submitted a further planning application seeking retention of the two buildings, which was invalid and returned to the agent earlier this year. The Council sought an Injunction application which was granted and issued on 5 September 2007 by a District Judge at the County Court. The Injunction requires the owner to comply with the requirements of the enforcement notice dated 17 November 2005 within 28 days. A compliance site visit undertaken on 14 November 2007 found that the buildings had been demolished and the Enforcement Notice had been complied with.

7.2 ENF/05/099 – 19 Belmont Road – Section 215 (Untidy Site) Notice issued on 7 November 2005. At the 24 July 2006 Planning Committee Members resolved to take direct action under Section 219 of the Town and Country Planning Act, 1990 to arrange for the rear two-storey blockwork and brickwork extension to be rendered and the rear garden to be tidied. On 19 February 2007 a team from Direct Services arrived to undertake the remedial work and the owner refused entry onto his land. The Council submitted an Injunction application to the County Court and attended a Hearing at the County Court on 7 November 2007. District Judge Harvey granted the Injunction and the owner had to comply with the Section 215 Notice dated 7 November 2005 by 4 December 2007. A compliance site visit is due before the Christmas break and the results of this visit will be reported at the next committee.

8.0 RECOMMENDATION

8.1 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.