

## EXETER CITY COUNCIL

## PLANNING COMMITTEE

23 MARCH 2009

### ENFORCEMENT PROGRESS REPORT

#### 1.0 PURPOSE OF REPORT

- 1.1 To update members on enforcement matters.

#### 2.0 CASES OPENED AND CLOSED BETWEEN 4 FEBRUARY 2008 AND 4 MARCH 2009

Cases opened: 2

Cases closed: 8

Outstanding number of cases: 95

#### 3.0 NOTICES ISSUED

- 3.1 ENF/08/132 – Canns Field, Vuefield Hill, Exeter – Enforcement Notice issued on 25th February 2009 for excavation works, laying of hardstandings and construction of timber structures near the boundary of the Land with Hambeer Lane. The notice requires the owner to 1. dismantle all timber structures and remove from the Land all materials formerly making up those structures and 2. break up the hardstandings and remove from the Land all materials comprising the hardstandings. The notice takes effect on 9<sup>th</sup> April 2009 and gives a period of 3 months for compliance.



- 3.2 ENF/08/103 – 65 Kingsway, Exeter – Enforcement Notice issued on 25<sup>th</sup> February 2009 for erection of a detached dwelling, not in accordance with the approved plans. The notice requires the owner to reconstruct the dwelling so far as is necessary to make it correspond to reserved matters approval reference 07/0968/02 including 1. Reduction in the height of the roof and eaves to their respective heights as shown on the approved drawings, and so as not to exceed the respective heights of the roof and eaves of nos. 61/63 Kingsway (shown to left in photograph below), 2. Omission of all windows in the roof and 3. Provision of all access and parking arrangements as shown on the approved drawings (the provision of a new parking space for no. 63 Kingsway, new boundary wall and gates along frontage of 63 and 65 Kingsway). The notice takes effect on 9<sup>th</sup> April 2009 and gives a period of 9 months for compliance.



- 3.3 ENF/08/123 – 61 Hoker Road, Exeter – Enforcement Notice issued on 19<sup>th</sup> February 2009 for 1. Erection of timber gates on highway frontage and 2. erection of timber fencing on top of brick walls along highway frontage. The Notice requires the owner to 1. remove all the timber gates from the boundary of the Land with Hoker Road, namely two double gates and one single gate and 2. remove all timber fencing from the top of the walls on the boundary of the Land with Hoker Road. The Notice takes effect on 27<sup>th</sup> March 2009 and gives a period of 3 months for compliance.



- 3.4 ENF/08/182, ENF/08/183, ENF/08/87, ENF/08/184 and ENF/08/86 – 23, 24, 25, 27 and 30 Old Tiverton Road, Exeter – Listed Building Enforcement Notices issued on 17<sup>th</sup> February 2009 for the installation of a satellite dishes on the front elevation of the building. The Notice requires the owners/occupiers of the properties to 1. remove all satellite dishes from the front elevation of the Building (including the front of roof and chimneys), including removal of their respective means of support and 2. make good the parts of the building from which the dishes have been removed. The Notices take effect on 10<sup>th</sup> April 2009 and gives a period of 1 month for compliance.

#### 4.0 NOTICES COMPLIED WITH

- 4.1 None

#### 5.0 CURRENT APPEALS

- 5.1 ENF/08/21 – 49 Ide Lane – Enforcement Notice issued on 15 October 2008 regarding a dormer extension on the north eastern elevation of the eastern wing of the building. The appeal is being dealt with by written representations. The Council's statement was

submitted on 25 December 2008 and final comments were submitted on 15 January 2009. The Inspector's decision is now awaited.

- 5.2 ENF/08/45 – Topsham Rugby Football Club, Exeter Road, Topsham – Enforcement Notice issued on 16 September 2008 for the installation of storage container near the south western boundary of the land. The appeal is being dealt with by written representations. The Council's statement was submitted on 9 January 2009 and final comments are due by 30 January 2009.
- 5.3 ENF/08/59 – 24 The Strand, Topsham – Listed Building Enforcement Notice issued on 24 July 2008 for 1. Installation of boiler flue extract and pipework on southern elevation; and 2. Installation of plastic rainwater goods on northern elevation. The appeal is being dealt with by written representations. The Council's statement was submitted on 17 November 2008 and final comments submitted on 8 December 2008. The Inspector's decision is now awaited.
- 5.4 ENF/08/088 – Flat 4, 5 Richmond Road, - Listed Building Enforcement Notice issued on 12 September 2008 for internal alterations to form an en-suite shower room in the southern corner of the front third floor bedroom (the shower room being accessed from the rear bedroom). The appeal is being dealt with by written representations. The Council's statement was submitted on 24 December 2008 and final comments submitted on 14 January 2009. The Inspector's decision is now awaited.

## **6.0 ENFORCEMENT APPEAL DECISIONS**

- 6.1 None

## **7.0 OTHER ISSUES**

- 7.1 ENF/08/147 & 09/3 – Dream Right Beds, 8 Christow Road, Marsh Barton – Authorisation was granted on 15 January 2009 to proceed with prosecution action against the Operator of Dream Right Beds for the unauthorised advertisements being displayed on stationary vehicles on sites around Marsh Barton. Witness Statements are being prepared and due to be submitted to Legal Services by 5<sup>th</sup> March 2009.
- 7.2 ENF/07/220 – 12 Birchy Barton Hill, Exeter – Enforcement Notice issued on 3<sup>rd</sup> September 2008 regarding a material change of use of the Land to a mixed use comprising a single dwellinghouse and its curtilage and 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. The Notice took effect on 15<sup>th</sup> October 2008 and gave a period of 2 months for compliance. No appeal has been received and the Notice has not been complied with. Authorisation was granted on 24<sup>th</sup> February 2009 to apply for an Injunction from the County Court.
- 7.4 ENF/08/62 – 17 Clinton Avenue – Enforcement Notice issued on 17<sup>th</sup> November 2008 for a dormer extension to the roof at the rear of the building. An appeal against the Notice was submitted on 22<sup>nd</sup> December 2008 but was subsequently withdrawn on 25<sup>th</sup> February 2009. Compliance with the Enforcement Notice is due by 29<sup>th</sup> April 2009.
- 7.5 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. An appeal against the Notice was submitted on 22<sup>nd</sup> December 2008 but was subsequently withdrawn on 25<sup>th</sup> February 2009. Compliance with the Enforcement Notice is due by 29<sup>th</sup> April 2009.

## **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.**