

Committee: Planning Applications Committee

Date: 9th September 2010

Agenda item: 06

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF PUBLIC PROTECTION AND DEVELOPMENT

Lead member: COUNCILLOR PHILIP JONES, CHAIR, PLANNING APPLICATIONS COMMITTEE

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Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

Current Enforcement Cases:	798 ¹ (780)	New Appeals:	1 (0)
New Complaints	42 (122)	Instructions to Legal	4
Cases Closed	24 (39)	Existing Appeals	2 (2)
No Breach:	7	Total Planning Applications ²	- (-)
Breach Ceased:	17		
NFA ² (see 2.01 below):	0		
Total	24 (39)	TREE ISSUES	
New Enforcement Notices Issued		Tree Applications Received	53 (42)
Breach of Condition Notice:	1	% Determined within time limits:	75%
New Enforcement Notice issued	1	High Hedges Complaint	0
S.215: ³	0	New Tree Preservation Orders (TPO)	1 (3)
Others (PCN, TSN)	0	Tree Replacement Notice	0
Total	2 (2)	Tree/High Hedge Appeal	0
Prosecutions: (instructed)	(0)		

Note (*figures are for the period 03/08/10 to 30/08/10*)

¹ Totals in brackets are previous months figures

² Planning applications received as a result of an Enforcement Investigation.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2. NEW NOTICES

- 2.1 **43A Hotham Road, South Wimbledon** - An Enforcement Notice was served on 25/8/10 against an unauthorised rear and side dormer with roof terrace. The notice requires total demolition or to build in compliance with approved plans (ref 08/P2726). The notice comes into effect on 27/9/10 unless an appeal is made prior to that and the owner will have three months to comply.
- 2.2 **424 Lynmouth Avenue** – A new Breach of Condition Notice (BCN) was served on 6/8/10 as the ownership details of the property are different from those served with the last notice. The notice requires the owner to comply with a planning condition to render and paint a single storey rear extension in order to match with the appearance of the main building. The notice took immediate effect and has a one-month compliance period.

RECENT ENFORCEMENT NOTICES

- 2.3 **18 Durnsford Road, SW19** – An Enforcement Notice was issued on 14/01/10 against an unauthorised flat conversion with a requirement to cease the unauthorised change of use. The notice came into effect on 17/08/10 as no appeal has been submitted. The owner has 6 months to comply with the requirement of the notice.

- 2.4 **56 Durham Road SW20** – A Breach of Condition Notice (BCN) was served on 02/07/10 requiring the cessation of the use of a flat roof as a roof terrace in breach of condition 3 attached to planning permission. The Notice came into effect immediately with a 28-day compliance period, as there is no appeal against a BCN.
- 2.5 Land at **143 Lower Morden Lane** – An Enforcement notice was issued on 21/6/10 to require the owners to demolish an unauthorised rear roof and gable extension and remove a hard standing. The notice comes into effect on 2/8/10 unless there is an appeal prior to that date. There is a 2-month compliance period. An appeal notification has been received but not registered yet.
- 2.6 **Brown & Roots Tower, 125 High Street Colliers Wood** – A section **215 Untidy Land Notice** was served on 8/4/10 to require the owners to remove rubbish from the premises, clear weeds, secure fencing around the property, remove unauthorised banner and repair the cladding to the building. The notice came into effect on 7/5/10, as there was no appeal. Some of the requirements have been complied with and there are on-going discussions with the developers due to recent on-site developments.
- 2.7 **315 Durnsford Road, Wimbledon Park SW19** – An **Enforcement notice** was issued on 23/4/10 against an unauthorised single storey rear extension and an outbuilding with a requirement to demolish both structures. There was no appeal and therefore the notice took effect on 27/5/10. The owner has 6 months to comply with the requirements to demolish the rear extension and base and reduce the height of the detached structure.
- 2.8 **1 Cerne Road** – **Enforcement notice** issued on 19/5/10 against unauthorised a single storey detached building erected in front of the building. The notice comes into effect on 18/6/10 unless the owner appeals against it. There is a two-month compliance period. An appeal has been registered and is being dealt with under written representations.
- 2.9 **33 Queens Road Wimbledon** - A section **215 Untidy Land Notice** was served on 20/5/10 to require the owners to clear weeds, remove rubble and debris from the rear garden, repair the brick boundary wall and repair or demolish/remove from the rear garden the corrugated roofed structure. The notice came into effect after 28 days with a further 28 days compliance period unless the owner appeals. Compliance works are in progress.

NEW PROSECUTIONS

- 2.10 **10 Bathgate Road** - Prosecution for not complying with the requirements of a S.215 notice issued on 5/10/09 to require the owner to take steps to protect the front façade of a partially demolished building which has permission for rear extension with the need to retain the front elevation. It was important that adequate steps were taken to prevent further deterioration to the structure and the notice required the owners to restore the windows in the front elevation of the building and to restore the roof structure on the porch to provide some protection and prevent further damage to the front façade.

The compliance period was extended for by a further 28 days until 27/08/10. Failure to comply will enable the Council to prosecute the Company that owns the building and its directors.

- 2.11 **424 Lynmouth Avenue** – Prosecution for non-compliance was held in abeyance as a new notice had to be served. The ownership details on the Breach of Condition Notice served on 22/10/09 to require the owner to comply with a planning condition to render and paint a single storey rear extension in order to match with the appearance of the main building had to be amended.

OTHER ENFORCEMENT ACTIONS

- 2.12 **Land 14 – 16 Coombe Lane SW20.** Section 215 notice issued on 22/02/10 to require the removal of all bagged rubble, rubbish and uncollected letters left behind the front door of the vacant shop and to repair the broken shopfront and any broken doors and/or windows, clean, tidy and repaint the front of the property. The notice came into effect on 22/3/10 and because it had not been complied with by 19/04/10 as expected, a decision has been made to prosecute the owner.
- 2.13 **Approach Road Raynes Park SW20** – A discontinuance Notice was served on 17/2/10 against an advertisement hoarding to require its removal and stop the use of the site for advertising purposes. An appeal has been registered and is being progressed by a hearing. Now amended to a written representation appeal at the request of the appellant.

3.0 New Enforcement Appeals

None

3.1 Existing enforcement appeals

- **1 Cerne Road Morden** – Appeal against enforcement notice issued on 19/5/10 against unauthorised a single storey detached building erected in front of the building. Appeal is proceeding by written representation.
- **65 Cambourne Road** – Appeal against Enforcement Notice requiring the demolition of unauthorised single storey outbuilding. Inspector site visit scheduled for 1/9/10.

3.2 Appeals determined

- **Approach Road Raynes Park SW20** – A discontinuance Notice was served on 17/2/10 against an advertisement hoarding to require its removal and stop the use of the site for advertising purposes. The appeal was dismissed on 26/8/10 and the hoardings should be removed within 8 weeks.

4. Consultation undertaken or proposed

None required for the purposes of this report

- 5 Timetable**
N/A
- 6. Financial, resource and property implications**
N/A
- 7. Legal and statutory implications**
N/A
- 8. Human rights, equalities and community cohesion implications**
N/A
- 9. Crime and disorder implications**
N/A
- 10. Risk Management and Health and Safety implications.**
N/A
- 11. Appendices – the following documents are to be published with this report and form part of the report Background Papers**
N/A
- 12. Background Papers**
N/A

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