

## **Committee:** Planning Applications Committee

**Date:** 10<sup>th</sup> December 2015

**Agenda item:**

**Wards:** All

**Subject:** PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

**Lead member:** COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

**Contact Officer** Sam Amoako-Adofo: 0208 545 3111  
sam.amoako-adofo@merton.gov.uk

### **Recommendation:**

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That Members note the contents of the report.

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#### **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.

<b>Current Enforcement Cases:</b>	<b>847</b> <sup>1</sup> (865)	<b>New Appeals:</b>	<b>0</b> (3)
<b>New Complaints</b>	<b>40</b> (62)	<b>Instructions to Legal</b>	<b>2</b>
<b>Cases Closed</b>	<b>58</b> (35)	<b>Existing Appeals</b>	<b>9</b> (9)
No Breach:	33	<hr/>	
Breach Ceased:	25	<b>TREE ISSUES</b>	
NFA <sup>2</sup> (see below):	-	<b>Tree Applications Received</b>	<b>43</b> (58)
<b>Total</b>	<b>58</b> (35)	<b>% Determined within time limits:</b>	<b>90%</b>
<b>New Enforcement Notices Issued</b>		<b>High Hedges Complaint</b>	<b>0</b> (1)
Breach of Condition Notice:	0	<b>New Tree Preservation Orders (TPO)</b>	<b>0</b> (4)
New Enforcement Notice issued	4	<b>Tree Replacement Notice</b>	<b>0</b>
S.215: <sup>3</sup>	0	<b>Tree/High Hedge Appeal</b>	<b>0</b>
Others (PCN, TSN)	0		
<b>Total</b>	<b>5</b> (5)		
<b>Prosecutions:</b> (instructed)	<b>0</b> (0)		

Note (*figures are for the period 3<sup>rd</sup> – 30<sup>th</sup> November 2015*). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## 2.00 New Enforcement Actions

**2.01 117 Haydons Road South Wimbledon SW19.** The Council served an enforcement notice on 9<sup>th</sup> November 2015 against the unauthorised change of use of the former public house into eight self-contained flats. The notice would come into effect on 15<sup>th</sup> December unless there is an appeal prior to that date and the requirement would be to cease using the building as residential units within 6 months.

### Some Recent Enforcement Actions

**2.02 112 Edgehill Road Mitcham CR4** An enforcement notice was issued on 26<sup>th</sup> October 2015 against the erection of a 'canopy type' rear extension. The requirement is to demolish the structure within one month of the effective date unless an appeal is made before 5<sup>th</sup> December 2015 which is the effective date.

**2.03 4 Sunnymead Avenue Mitcham CR4-** The Council served an enforcement notice against a front roof alteration and rear dormer on 26/10/15. The notice comes into effect on 5/12/15 unless an appeal is made prior to that date. The requirement is to demolish the unauthorised roof extension within one month.

The Council has been notified of an appeal but no further details have been provided.

- 2.04 10 Lammas Avenue Mitcham CR4-** The Council served an enforcement notice on 19<sup>th</sup> October 2015 against the erection of a rear roof extension to the property. The requirement is to demolish the extension and reinstate the roof slope using similar materials at the adjoining properties. Following further discussions, the notice was withdrawn to allow an amended application to be submitted for consideration. If implemented it would overcome the need for enforcement action otherwise a fresh notice can be issued.
- 2.05 61 Commonsides West Mitcham CR4** An enforcement notice was issued on 12<sup>th</sup> October 2015 against a roof alteration at the property with a requirement to remove the unauthorised roof and replace with the original flat roof. The notice would come into effect on 20/11/15 unless there is an appeal prior to that. The compliance period is one month.
- 2.06 1 Dovedale Rise, Mitcham CR4 -** The Council served an enforcement notice on 17<sup>th</sup> August 2015 against the erection of four outbuildings in the rear garden of the property with a requirement to demolish these structures within three months of the effective date. The notice came into effect on 25<sup>th</sup> September as there was no appeal prior to that date. The compliance period expires on 25<sup>th</sup> December 2015. The required steps must be completed before that date to prevent a potential prosecution.
- 2.07 32 Consfield Avenue KT3.** The Council issued an enforcement notice on 24<sup>th</sup> June 2015 against the unauthorised erection of a single storey rear extension. The notice came into effect on 30<sup>th</sup> July 2015 as no appeal was registered before that date. The main requirement is to remove the structure within one month of the effective date. The owner has indicated a retrospective planning application would be submitted for a smaller extension but this has been delayed. An extension has been agreed for an application to be submitted as failure could result in prosecution for non-compliance.
- 2.08 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27<sup>th</sup> August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed. The notice came into effect immediately and as a first step requires the owner to submit an application for planning and listed building consent by 27<sup>th</sup> October 2014 for consideration.

**Listed Building Consent was granted on 3<sup>rd</sup> March 2015** to cover the required works which include:

- 1) The roof and rainwater goods,
- 2) Masonry, chimney and render repairs
- 3) Woodwork, glazing and both internal and external repairs.

Officers inspected the property with a representative from English Heritage on 17<sup>th</sup> September and it appeared that works have been halted.

On 6/11/15 an extension (ref 15/P2924) was granted to allow the required works to be completed. It has been confirmed that works on site, which stopped due to

the builders moving to another job, would resume on Tuesday 8<sup>th</sup> December 2015.

**The Car lot** – Most of the cars have now been removed – the remaining cars are broken and need to be towed or carried on transporters.

### 3.0 New Enforcement Appeals

None

### 3.1 Existing enforcement appeals

- **18 Morton Road, Morden SM4** The Council served an enforcement notice on 29th June 2015 against the erection of an outbuilding with a requirement to demolish the structure within two months of the effective date of the notice of 6/8/15. The Council has been notified of an appeal and a questionnaire and relevant policies have been sent to the Inspectorate. This relates to a planning appeal rather than an enforcement appeal.

**The enforcement notice is effective but no action would be taken until the current planning appeal has been decided.**

- **2 Cavendish Road, Colliers Wood SW19** - The Council issued an enforcement notice on 18th August 2015 against the unauthorised erection of a first floor extension to an existing structure. The notice would have come into effect on 30th September 2015 but the Council has been notified of an appeal. The main requirement is to remove the first floor structure within one month of the effective date. The Council's questionnaire and policies sent to the Inspectorate.

**The Council's questionnaire and attachments has been sent in compliance with the agreed programme. .**

- **61 The Quadrant SW20** - The Council issued an enforcement notice on 25th August 2015 against the unauthorised erection of a single storey rear extension. The notice would come into effect on 6th October 2015 unless there is an appeal prior to that date. The main requirement is to demolish the structure within three months of the effective date. The Council's questionnaire and policies sent to the Inspectorate.

**The Council's statement is due on 4/12/15**

- **14 Glenthorpe Road Morden SM4** An enforcement notice was issued against the erection of a raised timber decking with uprights and a polycarbonate lean-to with roofing. The requirements are to remove these structures within one month of the effective date. The owner has appealed and the council's statement was sent on 5/10/15.

**The next stage is a date for the inspector site visit.**

- **36 Deal Road SW17** An enforcement notice was issued on 6th July 2015 against the conversion of the property from two into three self-contained

flats involving the use of the roof space as a self-contained flat. The notice would have come into effect on 10th August 2015 but an appeal has been registered.

The main requirement of the notice would be for the use of the building as three self-contained flats to cease within 6 months.

**The next stage is the appeal site visit to be scheduled by the inspectorate.**

- **24 Greenwood Close SM4** An enforcement notice was issued on 20th July 2015 against the unauthorised erection of a detached bungalow. The notice would have come into effect on 25th August 2015 but an appeal has been registered.

The main requirement of the notice is for the unauthorised building to be demolished within three months.

The Council's statement was sent on 1/12/15. PINS have confirmed an extension to 5/1/16 at the request of the appellant as they want two other planning appeals for the same development to be co-joined and dealt with by one inspector.

- **163 Central Road, Morden SM4**, An enforcement notice was issued on 9th April 2015 against the unauthorised conversion of an outbuilding into residential accommodation. The notice would have come into effect on 19th May 2015 but an appeal was registered and is proceeding under written representations. The requirements are for the unauthorised use to cease and the landlord to remove all partitions, facilities, fixtures and fittings facilitating the use of the outbuilding as a bedsit within four months.

**The next stage is the appeals site visit to be arranged by PINs.**

- **14 St James Road, Mitcham**, An enforcement notice was issued on 29th April 2015 against the unauthorised conversion of the property into two flats. An appeal has been registered and is proceeding by written representation. If the appeal is dismissed and the notice is upheld, the requirements would be for the owners to cease the use of the property as flats and remove all fittings and partitions facilitating the unauthorised use within three months.

**Inspector site visit took place on 24/11/15 and a decision is expected within 2 – 5 weeks.**

- **204 Tamworth Lane, Mitcham CR4**, - An enforcement notice was issued on 11th May 2015 against the unauthorised erection of a second single storey rear extension and raised patio. An appeal has been registered and is proceeding under written representation. The main requirement of the notice is for the unauthorised extension to be demolished within 3 months.

**An inspector site visit took place on 24/11/15 and a decision is expected within five weeks.**

### 3.2 Appeals determined –

None

#### Prosecution case.

None

### 3.4 Requested update from PAC

(a) **19 Laings Avenue, Mitcham, CR4** (para. 2.05) – Councillor Philip Jones queried the issue of an enforcement notice in relation to the overgrown condition of the rear garden of this property in view of past advice from officers about courts rejecting notices relating to back gardens. Officers indicated that one factor was the extent to which the rear garden was visible from the public realm and undertook to check the position in this case (and advise Councillor Philip Jones).

*In this case there is a gap between nos 15 and 17 Laings Avenue that allows the rear overgrown garden at 19 Laings Avenue to be seen from the public realm to support enforcement action.*

(b) **18 Morton Road, Morden, SM4** (para. 3.4 (d) – Officers undertook to update Councillor Philip Jones regarding the investigation into the alleged use of this property as a bed and breakfast establishment.

*The investigation is on-going.*

*The Town and Country Use Classes Order states that (C3) family dwelling can have up to six residents living together in a dwelling house as a single household without the need for planning permission. Thus planning permission may not be required when a household takes in lodgers sharing its living accommodation. Given this the use of part of a private house for the provision of bed and breakfast accommodation may be deemed ancillary in certain circumstances.*

*Many local authorities adopt rules of thumb which are used to determine whether planning permission is required and it is common for guest use of up to two rooms in a house to be tolerated. Further Planning inspectors also adopt a flexible approach to this. The important consideration is whether the use has any adverse impact on the residential amenity of the adjoining properties in terms of noise or increased parking.*

*Sufficient evidence of any adverse impact is needed as a basis for enforcement action and therefore the need for an investigation.*

(c) **3 Thornton Hill, Wimbledon, SW19**– Councillor Daniel Holden advised that he had reported an enforcement issue at this property to the Enforcement Team the previous week but had yet to receive a response, and undertook to give details to officers after the meeting.

*The complaint of “working outside of hours” Saturday afternoons and Sundays was passed to Environmental Health (HR) who have written to the developers and the neighbours.*

*The neighbours were asked to contact EH if works were carried out outside of the permitted hours again, no further complaints received.*

*The allegation of “not building to the approved scheme” clarification of what possible deviation/s there may be is being progressed.*

**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**

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