

Committee: Planning Applications Committee

Date: 21st January 2016

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

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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:	842 ¹ (847)	New Appeals:	0 (0)
New Complaints	33 (40)	Instructions to Legal	1 (2)
Cases Closed	38 (58)	Existing Appeals	9 (9)
No Breach:	21	<hr/>	
Breach Ceased:	17	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	52 (43)
Total	33 (58)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	3 (0)
New Enforcement Notice issued	4	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	0		
Total	0 (5)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (1st December 2015 – 12th January 2016)*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

2.01 Some Recent Enforcement Actions

117 Haydons Road South Wimbledon SW19. The Council served an enforcement notice on 9th 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 15th 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. No appeal submitted.

2.02 112 Edgehill Road Mitcham CR4 An enforcement notice was issued on 26th 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 5th December 2015 which is the effective date. No appeal submitted, compliance check to be undertaken.

- 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 would have come into effect on 5/12/15, however an appeal has now been lodged. The requirement is to demolish the unauthorised roof extension within one month.
- 2.04 112 Edgehill Road Mitcham CR4-** The Council served an enforcement notice on 19th 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 Commonside West Mitcham CR4** An enforcement notice was issued on 12th 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. A planning application for the retention of the roof as built was refused and is now subject to an appeal, the Notice is held in abeyance until the outcome of this appeal.
- 2.06 1 Dovedale Rise, Mitcham CR4 -** The Council served an enforcement notice on 17th 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 25th September as there was no appeal prior to that date. The compliance period expires on 25th December 2015. The required steps must be completed before that date to prevent a potential prosecution. Inspection to be undertaken.
- 2.07 32 Consfield Avenue KT3.** The Council issued an enforcement notice on 24th June 2015 against the unauthorised erection of a single storey rear extension. The notice came into effect on 30th 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. Application refused, the extension is to be removed by the end of January 2016.
- 2.08 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th 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 27th October 2014 for consideration.

Listed Building Consent was granted on 3rd 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 17th 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 8th December 2015. Further negotiations were undertaken, works now resumed to comply with the Notice.

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 appeal was allowed in part, however the self-contained element remains unauthorised.
- **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 have been sent in compliance with the agreed programme. The appeal is ongoing.
- **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 appeal is ongoing.

- **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. The appeal is ongoing.
- **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. The appeal is ongoing.
- **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. The appeal is ongoing.
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. The appeal is ongoing.
- **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. The appeal is ongoing.
- **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. The appeal is ongoing.

3.2 Appeals determined –

None

Prosecution case.

None

3.4 Requested update from PAC

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