

Committee: Planning Applications Committee

Date: 11th February 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:	786 ¹ (847)	New Appeals:	1 (0)
New Complaints	43 (-)	Instructions to Legal	0
Cases Closed	104 (-)	Existing Appeals	6 (9)
No Breach:	66	<hr/>	
Breach Ceased:	38	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	37 (58)
Total	104 (-)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	4 (4)
New Enforcement Notice issued	0	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	0		
Total	0 (0)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (12th January – 1st February 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

None

Some Recent Enforcement Actions

- 2.01 117 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. **The current notice is to be withdrawn and an amended notice issued to include the occupiers in the distribution.**

2.02 10 Lammas Avenue 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. **The application was approved on 22/12/15 so officers would work with the landlord to resolve this.**

2.03 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.

2.04 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. **The landlord has been put on notice that the council intends to prosecute for non-compliance as the structures are still in place.**

2.05 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.

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.

On 6/11/15 an extension (ref 15/P2924) was granted to allow the required works to be completed. Works are still on-going and should be completed by end of March 2016.

3.0 New Enforcement Appeals

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.

3.1 Existing enforcement appeals

- **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 final statement has been sent and we are now waiting for a date for an inspector site visit.

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 final statement has been submitted to the Inspectorate and we are awaiting a site visit date.**

- **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.

An inspector site visit has been scheduled for 8/2/16.

- **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.

An inspector site visit has been scheduled for 4/2/16.

- **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.

An inspector site visit has been scheduled for 8/2/16

- **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 –

- **14 St James Road, Mitcham**, An enforcement notice was issued on 29th April 2015 against the unauthorised conversion of the property into two flats. The appeal has been dismissed and planning permission refused for the use of the property as two flats on with an amendment to the compliance period to six months.

Prosecution case.

None

3.4 Requested update from PAC

(b) 112 Edgehill, Mitcham, CR4 (para.'s 2.02 & 2.04) – Councillor Linda Kirby requested clarification and an update on action regarding this site.

The enforcement action has been put in abeyance and the notice has been withdrawn to allow an amended application to be submitted for consideration. Additional information to be provided via modification sheet.

(c) 18 Morton Road, Morden, SM4 (para. 3.1) – Councillor Philip Jones referred to the recent allowed planning appeal for site (for retention of a an existing outbuilding), but advised that the property was still being advertised as a bed and breakfast establishment and requested that this alleged unauthorised use continue to be investigated and any appropriate be action taken.

Enforcement action is being considered against the use of the property as a bed and breakfast business and indeed the inspector's decision does not preclude this.

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**