

Committee: Planning Applications Committee

Date: 13th October 2016

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:	563 ¹ (562)	New Appeals:	2 (0)
New Complaints	24 (46)	Instructions to Legal	0
Cases Closed	23 (33)	Existing Appeals	5 (5)
No Breach:	18	<hr/>	
Breach Ceased:	5	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	76 (40)
Total	23 (57)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	0 (0)
New Enforcement Notice issued	0	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 (6th September to 3rd October 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 34 St Barnabas Road, Mitcham** On 30th August 2016, the council issued an enforcement notice against the unauthorised increase in depth of the single storey rear extension from 5 to 8.4 metre. The notice would take effect on 18/10/16 unless an appeal is made prior to that date and the compliance date is three months.
- 2.02 .55-61 Manor Road, Mitcham** An enforcement notice was issued an enforcement notice on 3rd August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 as no notification of an appeal has been received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16.

- 2.03 170 Elm Walk Raynes Park** The council issued a S215 notice on 4th August 2016 to require the owner to repair and paint or replace windows and doors to the property as well as clear the weeds and cut back on overgrown bushes in the front and rear gardens. The notice came into effect on 1/9/16 as there was no appeal and the compliance period is one month. **A site visit on 4th October 2016 confirmed that the notice has not been complied with and the next stage would be to prepare a prosecution document for legal action.**
- 2.04 Land, at 93 Rowan Crescent Streatham, SW16 5JA** The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice comes into effect in 28 days unless there is an appeal to the Magistrate Court. The works should be completed within 28 days.
- 2.05 31 Manship Road, Mitcham CR4 2AZ** On 15th April 2016, the council issued an enforcement notice against the unauthorised erection of three wooden garden sheds in the rear garden, The notice came into effect on 25th May 2016 as there was no appeal prior to that date and the requirement would be to cease the use of the sheds for residential purposes and demolish/remove them from the garden within 3 months. **A site visit on 27/9/16 reveal partial compliance as the structure had been demolished but the debris and rubble were still on site.**
- 2.06 117 Haydons Road South Wimbledon SW19.** The Council served a replacement notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement would be to cease using the building as eight self-contained flats within 6 months.
- 2.07 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 the roof and rainwater goods, masonry, chimney and render repairs and woodwork, and glazing. An inspection of the building on Friday 29th April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

The owner has advised Officers that the archaeological survey of the Tudor part of the building has now been carried out. Officers are waiting for the report with recommendations in order to consider the next steps.

3.0 New Enforcement Appeals

21 Merton Hall Road, Morden The Council issued an enforcement notice on 9/8/16 against the unauthorised erection of a wooden bike shelter. The notice would have come into effect on 15th September 2016 but the Council has been notified of an appeal. The requirement is to remove the shed within a month.

Wyke Road, Raynes Park SW20 The Council issued an enforcement notice on 4th July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but an appeal has been submitted.

3.1 Existing enforcement appeals

- **160 Bennetts Close Mitcham CR4 1NS.** An enforcement notice was issued on 20th April 2016 against the unauthorised erection of a fence exceeding 3 metres high. The notice came into effect on 1/6/16 as there was no appeal prior to that date and the requirement would be to demolish the fence and remove the resulting debris all within 3 months.
- **Swinburn Court, 32 The Downs SW19** The Council served an enforcement notice on 15th March 2016 against the erection of a single storey outbuilding (garden shed) in the front/side garden of the block of flats. The requirement is to demolish the structure within three months of the effective date of 30/4/16 but for the appeal which was registered with a start date 29/6/16 and is by written representation. **Final comments have been submitted and now awaiting inspector site visit date.**
- **39 Borough Road Mitcham CR4 3DX** The Council served an enforcement notice on 15th April 2016 against the erection of a boundary timber fence with a requirement to demolish the structure within three months of the effective date. The appeal is by written representation and is proceeding on ground 'A' – that planning permission should be granted for the development.
- **32 Cedars Avenue, Mitcham CR4 1EA** The Council issued an enforcement notice on 25th April 2016 against the unauthorised erection of a front garden wall, pillars and gates. An appeal by written representation is proceeding on ground 'A' – that planning permission should be granted for the development. Council's statement has been submitted.
- **3 Aberconway Road Morden SM4** - The Council served an enforcement notice on 4th February 2016 against the erection of a single storey side extension to the property following a refusal of retrospective planning permission to retain the structure. The owner is required to remove the extension and associated debris within one month of the effective date. An appeal has been registered to proceed under ground 'A' only – that planning permission should be granted for the development. **Final statements have been submitted. We are now awaiting an inspector site visit date.**

3.2 Appeals determined –

•None

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Prosecution case.

None

3.4 Requested update from PAC

An update relating to the high boundary fence at 20 Church Lane - The boundary fence was erected along the boundary with 21 Church Lane and had been refused permission to retain this retrospectively.

A site visit carried out on Monday 4/10/16 confirmed that the front part of the fence, consisting of three panels, had now been reduced to no more than one (1) metre high to comply with Council's request.

There is an Article 4 Direction which requires that fences which front highways should be no more than 1m in height in order to be sympathetic and respectful in the streetscene. However due to the fact that this was a side/boundary fence and did not directly front the highway, the likelihood of a successful appeal against a potential enforcement action was considered to be high. In the end the matter has been resolved without the need for any further action.

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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