

Committee: Planning Applications Committee

Date: 15th October 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

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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:	838 ¹ (896)	New Appeals:	3 (2)
New Complaints	6 (111)	Instructions to Legal	2
Cases Closed	64 (79)	Existing Appeals	9 (6)
No Breach:	34	<hr/>	
Breach Ceased:	30	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	52 (27)
Total	64 (79)	% 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	5	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	1		
Total	6 (6)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (8th September to 5th October 2015)*). 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 19 Laings Avenue Mitcham CR4** The Council issued an untidy land notice on 10th September 2015 to require the owner to trim and cut back overgrown bushes in the rear garden and the garden in an tidy condition.. The notice came into effect on 1st October as there was no appeal and the owner has 28 days to comply with the requirements.
- 2.02 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.

Recent Enforcement Actions

- 2.03 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 by 25th December 2015.

- 2.04 2 Cavendish Road, Colliers Wood SW19** - The Council issued a Temporary Stop Notice (TSN) on 12th August 2015 against the unauthorised erection of a first floor extension to an existing structure. The notice came into effect immediately and required the construction works to cease for 28 days. Non-compliance would have resulted in prosecution. The notice was fully complied with and the works stopped immediately.
- 2.05 11 Carlingford Road Morden SM4** - An enforcement notice was issued on 10th August 2015 against the unauthorised erection of a tree house. The notice would come into effect on 21st September 2015 unless there is an appeal prior to that date. The main requirement of the notice is for the unauthorised tree house to be demolished. **This has been complied with and the case has been recommended for closure.**
- 2.06 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 is waiting for a start date letter to confirm this.
- 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 to for an application to be submitted as failure could result in prosecution for non-compliance.
- 2.08 43 Approach Road, Raynes Park SW20.** An enforcement notice was issued on 4th June 2015 against the installation of a roof terrace with a requirement to cease its use and remove all facilitating fixtures such as the balustrade. The compliance period is one month of the effective date of 15th July 2015 as there was no appeal.

The landlord has to comply by 15th August 2015 or could be prosecuted. The owner has made some progress and is cooperating with officers to remedy the breach.

- 2.09 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.

The schedule of works covering the roof and rainwater goods, masonry, chimney, render repairs, woodwork, glazing external and internal repairs, were meant to be completed within five months of the approval date.

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. A work scheduled showing expected completion times has been requested from the contractor/agent to support a current application for a time extension to complete the works.

The Car lot – the enforcement notice was issued on 9th July 2014 against the material change of use of the car park on the land for the sale of motor vehicles. The notice came into effect on 20th August 2014 as there was no appeal prior to that date and the compliance period would expire by 20th October 2014 (2 calendar months).

The car sales business has ceased in compliance with the requirements of the notice. More cars have now been removed from the site and this is expected to continue until the site is cleared.

3.0 New 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 has been notified of an appeal.
- **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.
- **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.

3.1 Existing enforcement appeals

- **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.

- **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

- **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 Council's questionnaire and consultee letters have been sent.

- **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.

Final statements and comments have been exchanged and now awaiting an inspector site visit date.

- **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.

The Council's statement has been sent to the Inspectorate.

- **Land and premises known as 336 Lynmouth Avenue, Morden SM4.** An enforcement notice was issued on 1st September 2014 against the unauthorised change of use of the land to a mixed use comprising a dwellinghouse and hostel accommodation involving the use of an outbuilding to the rear of the land as student accommodation. The compliance period would be 2 calendar months and the requirements are for the unauthorised use to cease and the removal of the wooden decking and banister at the front of the outbuilding. The Council's final statement was sent on 27th March 2015. An inspector site visit has been scheduled for Monday 12th October 2015.

3.2 Appeals determined –

None

3.3 Prosecution case.

None

3.4 Requested update from PAC

Requests for updates on following

(a) 1 Edge Hill, Mitcham – by Cllr Daniel Holden

The matter has been investigated and following the threat of enforcement action, Circle Housing has agreed to replant replacement trees. The remaining trees and the new ones would be placed under preservation orders to ensure their full protection.

(b) 7 London Road, Mitcham – by Cllr Linda Kirby

Councillor Linda Kirby advised that following previous enforcement action about temporary structures on the site, there were now new permanent structures on the site. Officers undertook to investigate and update the Councillor.

This refers to the Tooting Medical Centre, 5 London Road, Tooting, SW17.

Enforcement action was taken against the previous wooden fence which has now been dismantled.

Planning permission (ref: 15/P0728) was subsequently granted on 19/5/15 for a 'brick boundary treatment at rear first floor level and change of use of the upper floor to D1 use from B1a use and to operate from 9am - 9pm'. The new brick wall is therefore lawful.

This follows a recent appeal- 14/P2341 for the retention of the 'existing boundary treatment' when the Inspector said he was satisfied that the relationship in terms of siting, orientation and scale of the boundary treatment in relation to the adjoining properties, and in particular 1 Golf Place caused no material harm to the living conditions of the immediate neighbours, including with respect to overlooking and loss of privacy; loss of light and noise and disturbance.

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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