

Committee: Planning Applications Committee

Date: 21st April 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: | 655 ¹ (729) | New Appeals: | 0 (1) |
| New Complaints | 80 (36) | Instructions to Legal | 2 |
| Cases Closed | 154 (93) | Existing Appeals | 4 (4) |
| No Breach: | 82 | <hr/> | |
| Breach Ceased: | 72 | TREE ISSUES | |
| NFA ² (see below): | - | Tree Applications Received | 69 (69) |
| Total | 154 (93) | % Determined within time limits: | 95% |
| New Enforcement Notices Issued | | High Hedges Complaint | 0 (0) |
| Breach of Condition Notice: | 0 | New Tree Preservation Orders (TPO) | 3 (1) |
| New Enforcement Notice issued | 2 | Tree Replacement Notice | 0 |
| S.215: ³ | 0 | Tree/High Hedge Appeal | 1 |
| Others (PCN, TSN) | 0 | | |
| Total | 2 (0) | | |
| Prosecutions: (instructed) | 0 (0) | | |

Note (*figures are for the period (8th March – 11th April 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 45 Haydon Park Road SW19** - The Council issued a Temporary Stop Notice (TSN) on 21/3/16 to require the immediate cessation of the erection of an outbuilding with a high ridged roof which was about 4 metres high. The notice came into effect immediately when posted on the site and the works ceased. On 29/3/16 building works were allowed to proceed as the height of the proposed outbuilding had been reduced to fall within permitted development allowance.
- 2.02 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. The notice would come into effect on 30/04/16 unless there is an appeal prior to that date.

Some Recent Enforcement Actions

2.03 117 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.

2.04 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 expired on 25th December 2015. **The structures have been removed and the file is recommended for closure.**

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 the roof and rainwater goods, masonry, chimney and render repairs and woodwork, and glazing.

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.

An agreed site inspection scheduled on Friday 8/4/16 to check the works for compliance has now been re-scheduled for Monday 25/4/16.

3.0 New Enforcement Appeals

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.

3.1 Existing 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 would have come into effect on 5/12/15 but an appeal has been registered. The requirement is to demolish the unauthorised roof extension within one month.
- **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 next stage would be an inspector site visit.

3.2 Appeals determined –

- **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.

The appeal was **dismissed** and the enforcement notice upheld

- **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 appeal was **dismissed** on 16/3/16 and the structure should be removed by 16/4/16.

- **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 main requirement is to remove the first floor structure within one month of the effective date.

The appeal was **dismissed** and the enforcement notice upheld as the Inspector was concerned about the impact of the extension on the living conditions of the occupiers of the neighbouring properties.

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**

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