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| Reference: | EN/16/00093/UNAU_B |
| Ward: | Shoeburyness |
| Breach of Control | Erected dwellinghouse and fence other than in accordance with Planning Permission |
| Address: | 120 Eagle Way, Shoeburyness, Essex |
| Case Opened: | 17 May 2016 |
| Case Officer: | Philip Kelly |
| Recommendation: | Authorise enforcement action |



1 Site and Surroundings

- 1.1 The site is a corner plot on the north side of Eagle Way and the east side of Watkins Way. It now contains a detached house following permission being granted in 2013. It is a relatively flat and residential area.

2 Lawful Planning Use

- 2.1 The lawful use of the site is as a dwellinghouse.

3 Present Position

- 3.1 On 17 May 2016 a Ward Councillor drew attention to the new development of the detached house at this site. A detached house had been erected following planning permission given in June 2013. This required the side fence next to Watkins Way to be set back from the road to retain a considerable verge and for soft shrubs, hedgerows and soft landscaping to be planted on the street side of this fence. However a fence has been erected on the west side immediately adjacent to the road with no landscaping or space for it. Contacts with the builders and new owner to try to resolve this have been unsuccessful. In a letter from the builders they maintain that this non-compliance had been agreed by a planning officer who has left the Council. (There is no record of any such agreement). Further they consider that the fence in its current position is much better than the requirements of the planning permission.

4 Appraisal

- 4.1 The NPPF, policies KP2 and CP4 of the Core Strategy, policy DM1 of the Development Management DPD, and the Design and Townscape Guide 2009 (SPD1) require new development to be sympathetic its surroundings and to respond positively to the local character of the area. A significant character of Eagle Way is the prevalence of open verges particularly at road junctions. The erection of a high fence immediately next to the road, especially so close to a road junction with Eagle Way clearly demonstrates a disregard for local character as well as of planning control and is overbearing.
- 4.2 Taking enforcement action in this case may amount to an interference with the owner/occupiers Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to remove the unauthorised fences at the front of the site.

5 Planning History

- 5.1 June 2013 Permission given to erect two storey detached house with garage, ref 13/00334/FUL.

6 Planning Policy Summary

- 6.1 NPPF
CSP Policies KP2 and CP4
Development Management DPD policy DM1.
Design and Townscape Guide

7 Recommendation

- 7.1 **Members are recommended** to authorise enforcement action for the removal of the unauthorised fence at the west of the site. This is because of its poor appearance and siting not in accordance with the local character to the detriment of visual and residential amenity, contrary to Policy DM1 of the DM DPD, Policies KP2 and CP4 of the Core Strategy, and advice contained within the Design and Townscape Guide (SPD1).
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a one month compliance period is reasonable in these circumstances.