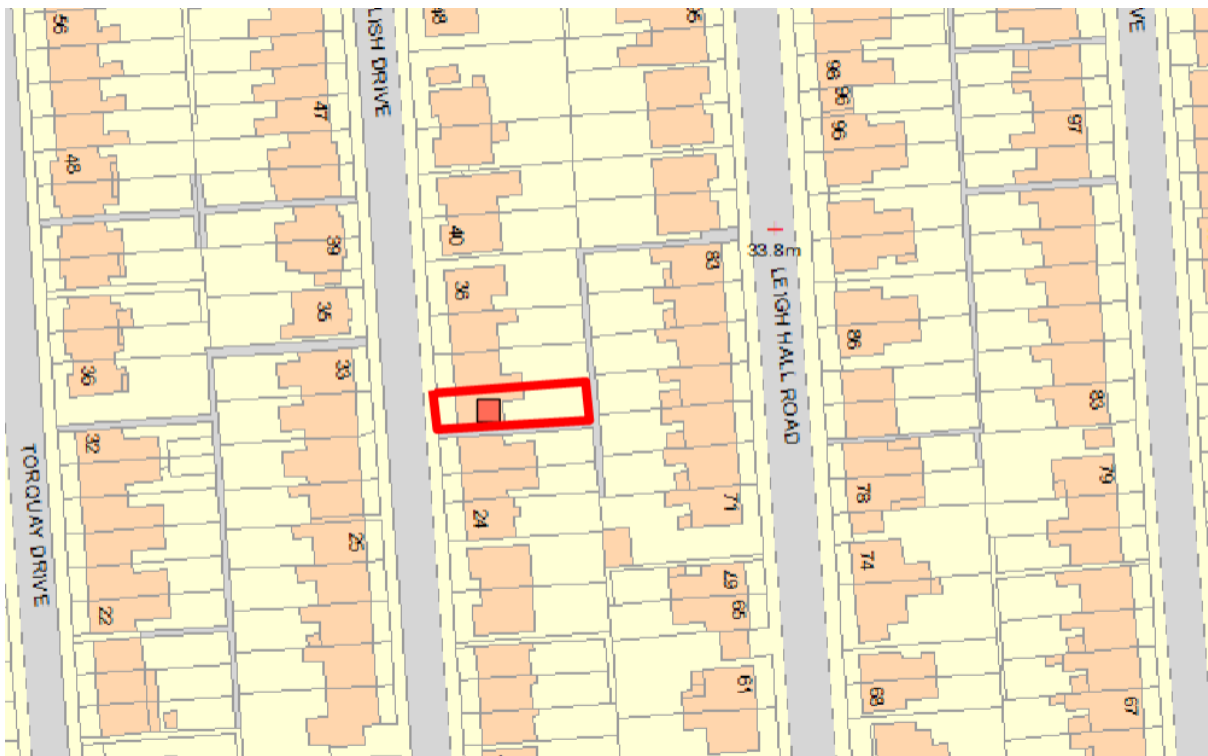


<b>Reference:</b>	16/00121/UNAU-B	
<b>Ward:</b>	Leigh	
<b>Breach of Control</b>	Without planning permission, the installation of a raised platform and external staircase to the rear.	
<b>Address:</b>	30 Dawlish Drive, Leigh-on-Sea, Essex, SS9 1QS	
<b>Case Opened:</b>	28 <sup>th</sup> June 2016	
<b>Case Officer:</b>	Neil Auger	
<b>Recommendation:</b>	<b>AUTHORISE ENFORCEMENT ACTION</b>	



## **1 Site and Surroundings**

- 1.1 Two storey end-of-terrace former dwellinghouse lying to the east side of Dawlish Drive approximately 135m from its junction with Pall Mall to the south.

## **2 Lawful Planning Use**

- 2.1 The lawful planning use is as two self-contained flats within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

## **3 Present Position**

- 3.1 On 28<sup>th</sup> June 2016, an enforcement case was opened as a result of a complaint received from a local resident in which it was alleged that a raised platform and staircase had been erected to the rear of the property.
- 3.2 On 14<sup>th</sup> July 2016, a site inspection was carried out by the case officer when it was noted that the allegation was correct. A raised platform had been formed adjacent to a first floor window with a staircase leading from it to the rear garden area. A photograph was taken for the record.
- 3.3 A letter was sent to the owner of the first floor flat on 22<sup>nd</sup> July 2016 advising that planning permission was required for the platform/staircase and, as this was considered unlikely to be granted, the development should be removed.
- 3.4 On 3<sup>rd</sup> August 2016, the property owner called the case officer to discuss the matter. He disputed the need for planning permission but the advice detailed in Paragraph 3.3 was reiterated. This was confirmed in an email sent to the owner on the same day.
- 3.5 To date, no retrospective application for planning permission has been received, there has been no further contact by the property owner and the unauthorised raised platform and staircase remain in situ.

## **4 Appraisal**

- 4.1 Planning permission is required to retain the raised platform and staircase. The proposal would not constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 4.2 The raised platform is adjacent to a first floor window (i.e. to the upper flat) and it is the likely intention of the owner/occupier to replace this window with a full length door to provide access to the platform and staircase. This would also require planning permission.

- 4.3 The NPPF, Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management DPD and the Design and Townscape Guide 2009 (SPD1) require alterations to respect the existing character and appearance of the building. They are also required to respect the amenity of neighbouring buildings; not to adversely affect light, outlook or privacy, to respect existing residential amenities and to create a satisfactory relationship with surroundings. It is considered that the external raised platform with staircase constructed at this property fails on all of these grounds.
- 4.4 In particular, it is considered that the development appears as a discordant feature to the detriment of the appearance and character of the building and locality.
- 4.5 It is also considered that the use of the raised platform and staircase would cause elevated overlooking resulting in a loss of privacy to the occupiers of the adjacent properties. If a first floor door was added to the rear elevation this would exacerbate these concerns.
- 4.6 Furthermore, the development is considered to be detrimental to the residential amenities of the ground floor flat by reason of it having an oppressive impact resulting in a loss of outlook by overshadowing the window to the bedroom and, because of the open nature of the staircase, it has the potential to afford any users views into the room.
- 4.7 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

## 5.0 **Relevant Planning History**

- 5.1 15<sup>th</sup> February 1984 – Certificate of lawfulness issued “to establish use as two self-contained flats” (84/0112).

## 6 **Planning Policy Summary**

- 6.1 The National Planning Policy Framework (NPPF) 2012.
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 6.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land).
- 6.4 Design and Townscape Guide 2009 (SPD1).
- 6.5 Community Infrastructure Levy Charging Schedule.

## 7 Recommendation

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to secure the removal of the external raised platform and staircase on the grounds that the unauthorised development is detrimental to the amenities and character of the area by reason of unsightliness and its potential to enable overlooking resulting in the loss of privacy of the occupiers of adjacent residential properties and that it is detrimental to the residential amenities of the ground floor flat by reason of its oppressive impact resulting in a loss of outlook by overshadowing the bedroom window and has the potential to afford any users views into the room contrary to the NPPF, Policies CP4 and KP2 of the Core Strategy DPD1, Policies DM1 and DM3 of the Development Management Document DPD2 and the Design & Townscape Guide.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case the necessary remedial works would be easily achievable so a compliance period of 28 days is considered reasonable.