

Reference:	16/00044/UNAU-B
Ward:	Eastwood Park
Breach of Control	Without planning permission, the construction of a single storey part side/part rear extension.
Address:	313 Rayleigh Road, Leigh-on-Sea, Essex, SS9 5PX
Case Opened:	3 rd March 2016
Case Officer:	Neil Auger
Recommendation:	AUTHORISE ENFORCEMENT ACTION



1 Site and Surroundings

- 1.1 The site comprises a plot of land containing a single storey detached building lying to the south side of Rayleigh Road approximately 150m from its junction with Bellhouse Road to the west.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a single dwellinghouse within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

3 Present Position

- 3.1 On 3rd March 2016, an enforcement case was opened as the result of a complaint received from a Ward Member in which it was alleged that a single storey extension was being constructed to the existing building located upon the land.
- 3.2 On 4th March 2016, a site inspection was carried out by the case officer when it was confirmed that the allegation was correct. A part side/part rear single storey extension had been constructed as reported. Photographs were taken for the record.
- 3.3 A letter was sent to the registered proprietor of the land on 9th March 2016 advising that planning permission was required for the extension and, potentially, for the change of use of the original building to residential. The submission of a retrospective application for the appropriate consent(s) was invited.
- 3.4 An application was eventually received on 13th June 2016 but was found to be invalid.
- 3.5 An invalid letter was sent by the Planning Registration Team on 30th June 2016 explaining which documentary details and information should be submitted in order to validate the application.
- 3.6 The required documents were not received so a reminder letter was sent by the Planning Registration Team on 1st September 2016.
- 3.7 No response was received so a final reminder letter was sent to the land owner by the enforcement case officer on 1st December 2016.
- 3.8 To date, the required additional documentation has not been received, there has been no further contact by the property owner and the unauthorised extension remains in situ.

4 Appraisal

- 4.1 Information provided by the Finance and Resources (Council Tax) Team shows that the original building on the land, which was formerly an annexe to 105 Steeplefield at the rear, was banded for Council Tax purposes as a separate dwelling on 18th August 2004 and has been occupied as such since that date.

- 4.2 Council records also show that the address was changed to 313 Rayleigh Road by the Street Naming and Numbering Team in December 2010.
- 4.3 Consequently, the change of use of the building to residential is lawful in planning terms by reason of the time limits placed on enforcement under Section 171B of the Town & Country Planning Act 1990 (as amended).
- 4.4 Specific planning permission is required to retain the part side/part rear single storey extension because it does not constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 4.5 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.
- 4.6 In this case, the original building is finished in red brick and has a hipped, ridged roof in tiles to match; whereas the unauthorised extension is constructed in rendered blockwork with a mono-pitched (flat) roof.
- 4.7 In terms of design, the extension is considered featureless and not to relate to, or respect, the character and appearance of the original building.
- 4.8 The unauthorised development is therefore considered to conflict with the policies identified in paragraph 4.5 to the extent that it results in unmitigated, demonstrable harm to the character and appearance of the individual property and the area more widely.
- 4.9 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, and 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 None

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).
- 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 single storey part side/part rear extension on the grounds that the unauthorised development is detrimental to the amenities and character of the area in that its design and materials do not respect the existing character and appearance of the building and that its appearance results in demonstrable harm to the visual amenities of the area contrary to the NPPF, Policies CP4 and KP2 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the advice contained within 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 probably require quotations to be sought and contracts agreed so a compliance period of 3 months is considered reasonable.