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## **BREACH OF PLANNING CONTROL AT THE RUSSETS, APTON HALL ROAD, CANEWDON, ROCHFORD, ESSEX**

### **SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control, namely the construction of a conservatory at The Russets, Apton Hall Road, Canewdon.
- 1.2 Members will need to consider whether it is expedient to serve enforcement notices, etc. and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

### **2 INTRODUCTION**

- 2.1 The Russets is located on the south side of Apton Hall Road and was previously known as Windmill Cottage. This matter was brought to the attention of this Authority in February 2002 during a discussion with a prospective purchaser of the property.
- 2.2 During correspondence the owners claimed that the conservatory was constructed between November 1997 and January 1998. However, an aerial photograph of the site, taken in 2000, revealed that the conservatory had not been constructed at this time and in light of this evidence the owners of the property admitted that this was the case.
- 2.3 Following this an internal inspection of the property was carried out and the dimensions measured. In addition to this a check of the history of the property was undertaken. This revealed that, prior to this conservatory being constructed, the property had already been extended by approximately 30.5 square metres of habitable floorspace. The conservatory itself adds a further 27 square metres of habitable floorspace meaning that the property as a whole has been extended by approximately 57.5 square metres over and above the original amount of floor space.
- 2.4 The owners of the property were advised of this fact and a request was made to remove or amend the conservatory. In response the owners advised that they did not wish to remove the conservatory and intend to appeal against any future Notice.

### **3 PLANNING ISSUES**

- 3.1 The property is located within an area designated as Metropolitan Green Belt (MGB) and a Landscape Improvement Area on the

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Rochford District Local Plan (RDLP). In this particular matter it is the MGB policies that are most relevant and the authority's approach is clearly set out in Policy GB7 of the Local Plan. In brief, the policy allows dwellings within the Green Belt to be extended by a maximum of 35sq.m over and above the original habitable floorspace of the dwelling, as it existed in 1947 or as built, if it was erected after that date. The policy is unambiguous and applies to all properties, irrespective of their size. It is considered that the application of such a policy 'across the board' provides consistency and fairness, and avoids claims that some people have received favourable decisions for large extensions, whereas others have not.

- 3.2 This property benefits from an existing extension that has increased the habitable floorspace of the property by some 30.5 square metres - the property thus benefits from existing extensions that use up the vast majority of the allowance given under Policy GB7, operative today.
- 3.3 The conservatory itself provides a further 27 square metres of habitable floorspace. If allowed to remain, therefore, the property would benefit from approximately 57.5 square metres of habitable floorspace above that of the original dwelling, set against a policy allowance of 35 square metres.
- 3.4 In view of the stringent approach taken when considering planning applications for such extensions that exceed RDLP Policy allowance the decision was taken to seek authorisation for formal Enforcement action. Such action will seek to have the conservatory removed entirely from the property, or else otherwise amended, so that the total habitable floorspace of all alterations to the original property account for no more than 35 square metres.

#### **4 RECOMMENDATION**

It is proposed that the Committee **RESOLVES**

That the Head of Planning Services be authorised to take all necessary action to secure the remedying of the breach now reported. (HPS)

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Head of Planning Services

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