

BREACH OF PLANNING CONTROL AT 83-85 HIGH STREET, GREAT WAKERING

1 SUMMARY

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control concerning the insertion of French doors and the erection of decking and a balustrade forming a patio area at first floor level at 83-85 High Street, Great Waking, without the benefit of planning permission.
- 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 THE ENFORCEMENT CASE

- 2.1 Planning permission was granted in 2000 for the subdivision of the two properties into 4 flats. The plans for this clearly show two larger ground floor flats with 2 smaller flats on the first floor. The ground floor flats will have use of the garden at the above property when the development is complete. Works have now been undertaken, which are not in accordance with the approved plans, which will enable the first floor flats to use the flat roofed area, provided over the larger ground floor flats.
- 2.2 The developer at this location has inserted French windows to enable those on the first floor to gain access to the flat roofed area. In turn this flat roofed area has decking and a balustrade erected on it. At a dwellinghouse, such works may be considered "permitted development". However, no such rights exist for flats under the General Permitted Development Order 1995 (as amended).
- 2.3 The current planning permission contains 2 conditions that are also being breached. Condition 4 relates to the details of external doors. It requires the submission to and approval of details by the local planning authority (LPA), prior to carrying out the works. Condition 6 relates to means of enclosure. Again, details of any means of enclosure are required to be submitted to and approved by the LPA, prior to the works being carried out. Neither condition has been complied with.
- 2.4 The works undertaken at this location are inappropriate and are out of character with the other rears of properties within the Great Waking Conservation Area. The first floor patio area will create a significant loss of privacy to neighbouring properties and possibly to those further away.

- 2.5 Given the loss of residential amenity caused and the fact that works are out of character within the Conservation Area, it is considered unlikely that planning permission would be forthcoming for the works. Authorisation is therefore sought to ensure the implementation of the approved scheme.

3 LEGAL IMPLICATIONS

- 3.1 Any action considered necessary through the Courts to remedy the breach.

4 RECOMMENDATION

- 4.1 It is proposed that the Committee **RESOLVES**

That the Corporate Director (Law, Planning and Administration) be authorised to take all necessary action including the issue of Notices and action in the Courts to secure the remedying of the breach of planning control now reported. (HPS)

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