

<b>Report to</b>	Planning applications committee 8 November 2012	<b>Item</b>
<b>Report of</b>	Head of planning service	<b>6</b>
<b>Subject</b>	Enforcement Case 11/00239/BPC/ENF – 1 Foster Road, Norwich, NR3 3PN	

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### **Purpose**

To authorise enforcement action up to and including prosecution in order to secure the removal of the unlawful structure (car port for the storage of motor vehicles / caravans).

### **Recommendation**

That the committee authorises enforcement action up to and including prosecution in order to secure the removal of the unlawful structure (car port for the storage of motor vehicles / caravans).

### **Corporate and service priorities**

The report helps to meet the corporate priority a prosperous city and the service plan.

### **Financial implications**

No direct financial implications arising from this report

Ward/s: Catton Grove

Cabinet member: Councillor Bremner – Environment and development

### **Contact officers**

Ali Pridmore, environmental protection officer

01603 212308

### **Background documents**

None

# Report

## Introduction

1. The site located on Foster Road which is in the ward of Catton Grove to the north of the city. The area is predominantly residential in character typified by terraced housing. The site is a two storey end-terrace dwelling constructed of red brick with a pantile roof. The site does not fall within a conservation area and the property is not nationally or locally listed.
2. A single storey structure has been constructed on east facing (unattached) side of the property. The structure is currently being used by the occupier for the storage of motor vehicles / caravans. The structure projects beyond the front elevation of the property and is of timber frame construction, the roof is constructed from corrugated plastic sheeting and plastic sheeting and timber on the east facing elevation. The dwelling has a front garden which is capable of accommodating a number of motor vehicles / caravans. A number of images showing the structure at 1 Foster Road are given in Figures 1, 2, 3 and 4 below.
3. There are residential dwellings to the north, south, east and west of 1 Foster Road which is shown in Figure 5 below. The impact of this structure on the visual amenity of this residential area is significant and has resulted in a number of complaints from residents in the area and from ward councillors.
4. This report relates to the unauthorised erection of a structure currently being used as a car port for the storage of motor vehicles / caravans at 1 Foster Road, Norwich, NR3 3PN.
5. As the current unauthorised structure described above does not have planning permission and has occurred within the last four years and is therefore not immune from enforcement action the unauthorised structure is a breach of planning control and is therefore unlawful.
6. The occupier of 1 Foster Road, Norwich, NR3 3PN has been informed the current structure is unlawful and was asked to remove the unauthorised structure, or to modify the structure such that it is permitted development, or to apply for planning permission which he was advised would not be supported. Unfortunately, the unauthorised structure has not been removed or been modified such that it is permitted development and a planning application has not yet been received by the owner of the site.
7. Authority is being sought from the committee for enforcement action to secure the removal of the structure. Enforcement action is to include direct action and prosecution if necessary.

## Breach

8. The construction of this structure currently used to store vehicles / caravans is development which falls outside of Class A of The Town and Country Planning (General Permitted Development) Order 2005 (as amended) of Schedule 2 Part 1. The erection of the structure currently being used as a car port / storage for a caravan is operational development for which planning permission would be

required under section 171A(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).

9. It appears that the above breach of planning control has occurred within the last four years and is not therefore immune from enforcement action. The current unauthorised development is excessive in scale, poorly and unsympathetically constructed and is therefore considered detrimental to the visual amenity of the area. The council does not consider that planning permission should be given because planning conditions could not overcome these objections.

## **Policies and Planning Assessment**

### ***Relevant Planning Policies***

National Planning Policy Framework

Section 7 Requiring Good Design

East of England Plan (Adopted May 2008)

ENV7 – Quality in the built Environment

Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)

Policy 2 – Promoting good design

Replacement Local Plan – saved policies (Adopted November 2004)

HBE12 – High Quality of Design

### **Justification for Enforcement**

10. The current unauthorised development is excessive in scale, poorly and unsympathetically constructed and is therefore considered detrimental to the visual amenity of the area.
11. Several attempts have been made in negotiating with the occupier of the site in reducing the scale and modifying the design such that it is acceptable under the occupiers permitted development rights but without success. Norwich City Council has not invited a planning application because the council do not consider that planning permission should be given because the application would not be supported and the matter recommended for refusal.
12. The Human Rights Act 1998 came into effect on 2 October 2000. In so far as its provisions are relevant:
  - a. Article 1 of the First Protocol (the peaceful enjoyment of ones possessions), is relevant in this case. Parliament has delegated to the Council the responsibility to take enforcement action when it is seen to be expedient and in the public interest. The requirement to secure the removal of the unauthorised building works in the interests of amenity is proportionate to the breach in question.

- b. Article 6: the right to a fair hearing is relevant to the extent that the recipient of the enforcement notice and any other interested party ought to be allowed to address the Committee as necessary. This could be in person, through a representative or in writing.

## **Conclusions**

13. It is considered that the current unauthorised structure is excessive in scale, poorly and unsympathetically constructed is therefore considered detrimental to the visual amenity of the area and structure is not considered acceptable. The impact of this structure on the visual amenity of the area is considerable and could not be made acceptable by conditioning of any planning permission for the structure.
14. It is therefore necessary to ensure the removal of the unauthorised structure and therefore remedy the breach of planning control.



**Figure 1:** *View of structure at 1 Foster Road from outside 3 Foster at junction of Foster Road and Hillmead taken on the 18 September 2012.*



**Figure 2:** *View of structure at 1 Foster Road from the junction of Foster Road and Hillmead taken on the 18 September 2012.*



**Figure 3:** *View of structure at (Front Elevation) 1 Foster Road from outside front of 1 Foster Road taken on the 18 September 2012.*



**Figure 4:** *View of structure at (Side Elevation) 1 Foster Road from outside 1 Foster Road taken on the 18<sup>th</sup> September 2012.*





**Figure 5:** Map showing 1 Foster Road showing the residential character of the area.



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Planning Application No 11/00239/BPC/ENF

Site Address 1 Foster Road

Scale 1:750



**NORWICH**  
City Council

PLANNING SERVICES

