

**Report to date:** Planning Applications Committee

**Item**

**Report of:** Head of planning services

**Subject:** Enforcement Case 16/00028/ENF – 34-40  
King Street, Norwich, NR1 1PD

**5(e)**

<b>SUMMARY</b>	
<b>Description:</b>	Unauthorised replacement of 18 windows to front elevation with unsuitable windows
<b>Reason for consideration at Committee:</b>	Enforcement action recommended.
<b>Recommendation:</b>	Authorise enforcement action to remove unauthorised windows and replace with windows approved under application ref: 16/00358/F.
<b>Ward:</b>	Thorpe Hamlet
<b>Contact Officer:</b>	Samuel Walker – <a href="mailto:samuelwalker@norwich.gov.uk">samuelwalker@norwich.gov.uk</a>

### **The Site**

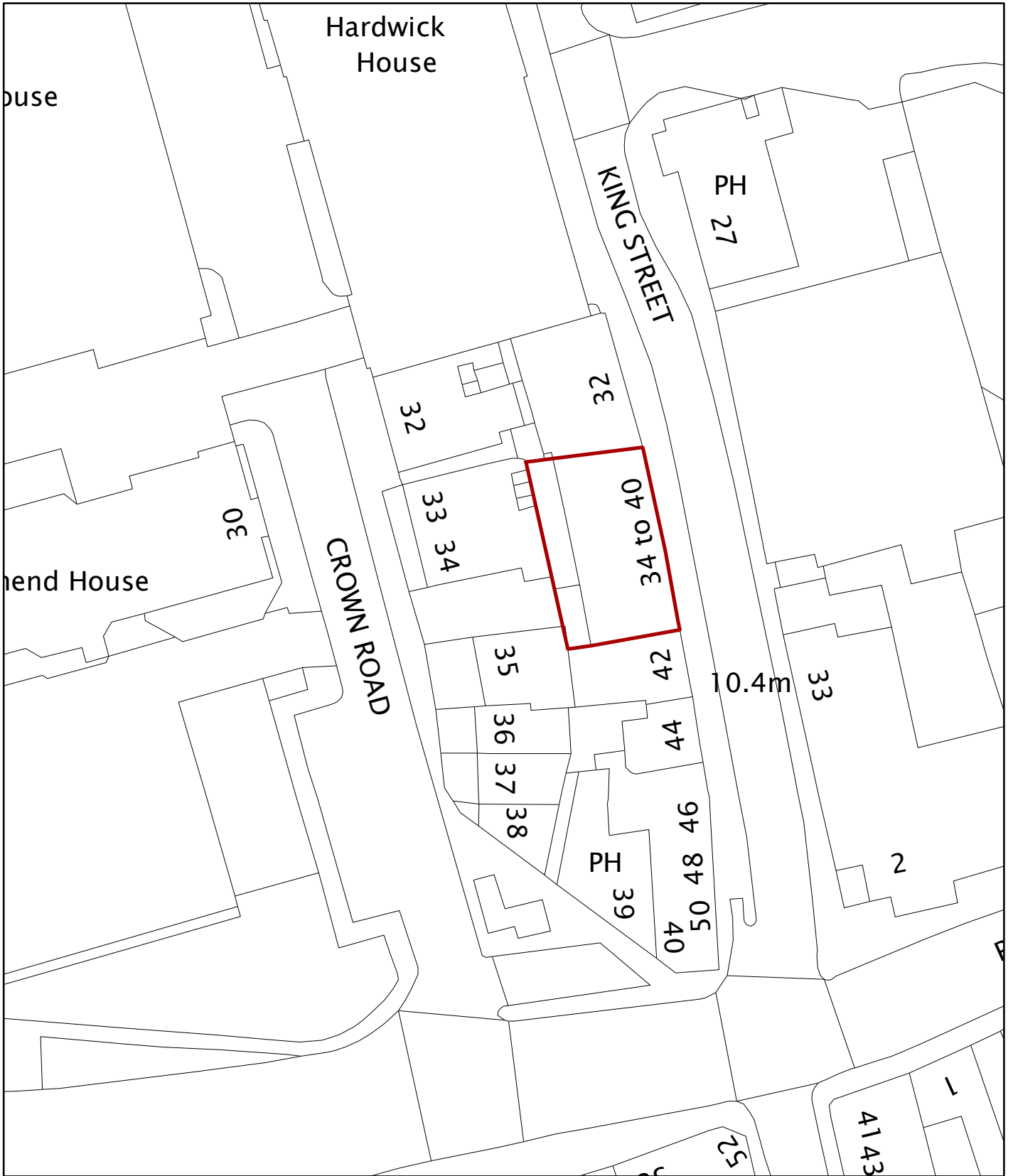
1. 34-40 King Street is located on the West of King Street, to the North of the junction with Rose Lane, it is within City Centre Conservation area with a large street frontage. The building itself is a 20<sup>th</sup> century development, but is neighbouring statutory listed and locally listed buildings.
2. The property is a 3 storey red brick property, originally constructed as an office building, but currently undergoing conversion into residential flats.

### **Relevant planning history**

3. 15/00718/PDD – prior approval for change of use to 6 residential units.
4. 16/00358/F - consent was given for the replacement of the windows with a more acceptable alternative.

### **Purpose**

5. The owner of 34 King Street applied for and was given consent (prior approval) for conversion of the building to 6 residential units, but advised that any changes to the external facades would require a planning permission. The original grey aluminium windows were replaced with white PVCu without permission. The enforcement case was raised by a member of the public on 16 February 2016. A separate planning application (ref: 16/00358/F) was made for approval of these windows. The windows as installed were not considered acceptable in this location and following negotiation the proposals were revised to a more acceptable grey aluminium framed, top hung casement design. This was approved on 24<sup>th</sup> May 2016.



© Crown Copyright and database right 2016. Ordnance Survey 100019747.

Planning Application No 16/00028/ENF

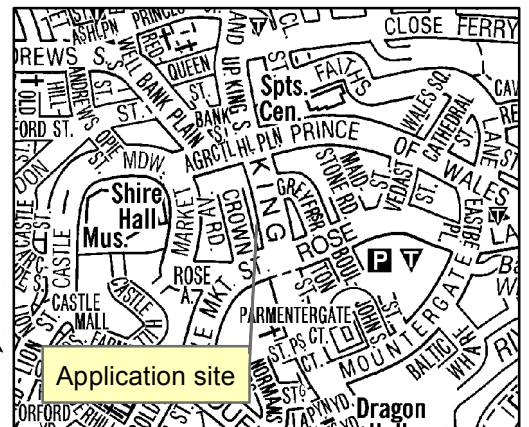
Site Address 34-40 King Street

Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



6. Authority is sought from the planning applications committee for enforcement action to secure the removal of the unauthorised white PVCu windows and replacement with grey aluminium windows approved under application reference 16/00358/F. Enforcement action to include direct action and prosecution if necessary.

### **Breach**

7. The replacement without consent of grey aluminium windows to white PVCu. The replacement of the windows constitutes development and no permitted development rights would apply in this case. No planning consent has been granted for the works and it appears that the breach of planning control has occurred within the last four years and is not therefore immune from enforcement action.
8. The unauthorised white PVCu windows have caused harm to the conservation area.

### **Policies and Planning Assessment**

National Planning Policy Framework:

- Statement 1 Building a strong and competitive economy
- Statement 7 Requiring good design

Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS):

- JCS2 Promoting good design

Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan):

- DM1 Achieving and delivering sustainable development
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage

### **Justification for Enforcement**

9. The unauthorised development by virtue of the windows design, frame dimensions and colour would result in less than substantial harm to the character of the City Centre Conservation area and the setting of adjacent Grade II statutory Listed Buildings, contrary to policies DM3 and DM9 and paragraph 134 of the National Planning Policy Framework.

### **Equality and Diversity Issues**

10. The Human Rights Act 1998 came into effect on 2nd 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**

11. It is considered that the unauthorised replacement of the windows with white PVCu is out of character for the subject property, the wider setting of the city centre conservation area and setting of nearby Grade II listed and locally listed buildings. The development is not considered acceptable.
12. The alternative grey aluminium replacement windows as approved under application reference 16/00358/F are considered acceptable.
13. It is therefore necessary to ask for authorisation from the planning applications committee to serve an enforcement notice to secure the replacement of the unauthorised windows with those approved under 16/00358/F and therefore remedy the breach of planning control.

## **Recommendations**

That the committee authorises enforcement action to secure the removal of the unauthorised white PVCu windows and replacement with windows approved under application no 16/00358/F; including the taking of direct action that may result in referring the matter for prosecution if necessary.