

Report to Planning applications committee
08 March 2018

Report of Head of planning services

Subject Enforcement Case – 159 Drayton Road, Norwich

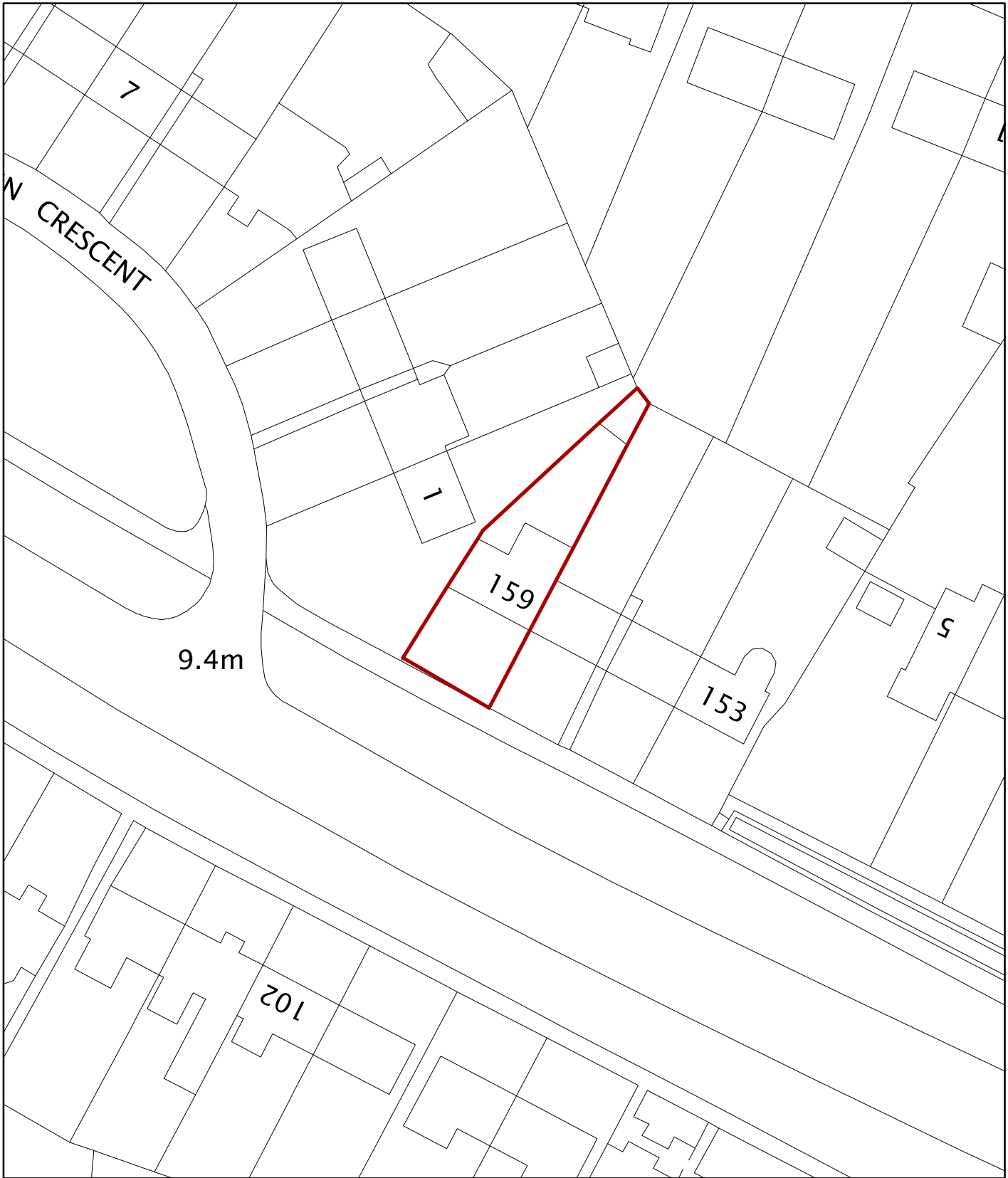
Item

4(I)

SUMMARY	
Description:	Construction of outbuilding, driveway and retaining wall to the front of the property.
Reason for consideration at committee:	Enforcement action recommended.
Recommendation:	Authorise enforcement action up to and including prosecution in order to secure: <ul style="list-style-type: none"> • removal of the outbuilding; • removal of the hard surfacing; • removal of the retaining wall; • regrading of the front garden area; and • installation of a replacement fence.
Ward:	Mile Cross
Contact officer:	Stephen Polley stephenpolley@norwich.gov.uk

The site

1. The site is located on the north side of Drayton Road to the west of the city. The subject property is two storey end of terrace dwelling forming part of a 4 dwelling terrace. The predominant character of the area is residential, primarily consisting of two-storey terrace dwellings with small front and larger rear gardens constructed as part of the Mile Cross housing development circa 1930. The properties on the north side of the road have been constructed on higher ground than the highway, resulting in there being a slope up towards the houses. The properties here typically feature picket fences, hedgerows and gated steps leading to the front doors.
2. The site is bordered by the adjoining terrace property to the east, no. 157 Drayton Road and no. 1 Finn Crescent to the west. The site boundaries to the front are marked by a 1.8m tall close boarded fence topped with a trellis to the east, and mature planting to the west.



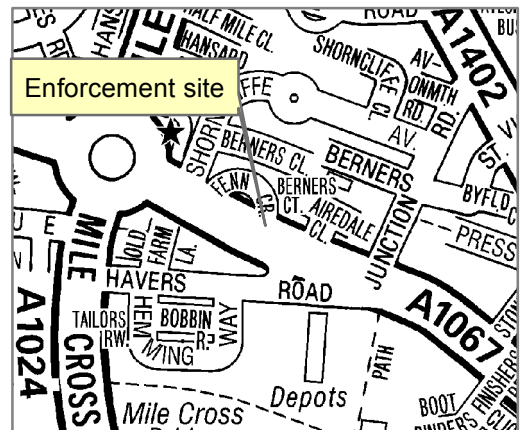
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Planning Application No 17/00118/ENF
 Site Address 159 Drayton Road

Scale 1:500



NORWICH
 City Council
 PLANNING SERVICES



Relevant planning history

3. There is no relevant planning history.

The breach

4. Without planning permission carrying out the following operations:
 - a) The laying of a hard surface to the driveway;
 - b) The raising of the front garden area / construction of retaining wall fronting the highway;
 - c) The construction of an out-building within the front garden.

Relevant policies

National Planning Policy Framework:

- NPPF7 Requiring good design

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

- JCS2 Promoting good design
- JCS6 Access and transportation

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

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM30 Access and highway safety
- DM31 Car parking and servicing

Justification for enforcement

1. Between 2008 and 2012 the western half of the original front garden was dug out and a sloping driveway created with access to the highway across the grass verge. The driveway remained as an unfinished earth/gravel surface until at least September 2015 after which it was surfaced in concrete. During the spring of 2017, the front garden was further developed by way of a retaining wall across the remaining section of the front boundary. The ground behind was infilled and levelled, effectively raising the level of the front garden.
2. The front section of the garden now features a sloping roof outbuilding measuring approximately 4m x 4m in plan form and 2.5m tall. The outbuilding is screened by a 1m tall close boarded fence to the front and side. A downpipe has been installed to the front which empties directly onto the adjacent footway.
3. The creation of the concrete driveway requires planning permission as it is considered to represent the provision within the curtilage of a dwellinghouse of a hard surface which is situated on land between a wall forming a principle elevation of the dwellinghouse and the highway, and the area of the ground covered is greater than 5 square metres. It is therefore considered appropriate to undertake enforcement action to seek

the removal of the hard surfacing, however the creation of the driveway appears to have been carried out over four years ago and is therefore immune from enforcement action.

4. The out-building cannot be considered as a form of permitted development as a result of its location within the site, which is forward of a wall forming part of the principle elevation of the original dwellinghouse.
5. The development of the front garden area in such a way is considered to be harmful to the character and appearance of the subject property and wider area. The area is characterised by rows of terrace dwellings arranged with front gardens with only pedestrian access via a gate and path, and larger rear gardens. The particular row of four dwellings within the terrace shared with the subject property had until the recent changes remained unaltered in their appearance until the works outlined above had been carried out.
6. Particular concern has been raised that the outbuilding will result in a loss of light and outlook to a neighbouring property. It is accepted that the out-building, which is located within close proximity of the neighbouring living room will result in some loss of outlook, however the impact to the amount of light reaching the neighbouring living room is limited. The proximity of the out-building to the main living room window of the subject property is however likely to result in some harm being caused to both outlook and light.
7. The construction of the outbuilding within close proximity of the main living spaces of both the subject property and next-door-neighbour are likely to result in a loss of light and outlook, causing a degree of harm to the occupiers standard of amenity.
8. As such, the developments are considered to be contrary to policy DM3 of the Development Management Policies Development Plan Document adopted 2014.
9. Enforcement action is therefore required to seek to removal of the hard surfacing, boundary fence, retaining wall and outbuilding. Remediation work is also required to return the front garden area to its original state by regrading the front garden area to its original level and by installing a replacement boundary fence of a design to match the neighbouring properties, of a height no taller than 1.2m. In order for the site to be returned to its original verdant character, turf is to be laid to the front garden area.

Equality and diversity Issues

5. 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 the visual amenity of the area 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.

Conclusion

6. For the reasons outlined above the works are considered to have a significant detrimental impact on the character and appearance of the property and street scene. In addition, the outbuilding has resulted in a degree of harm to the occupiers of the neighbouring property and future occupiers of the subject property.

Recommendation

Authorise enforcement action up to and including prosecution in order to secure:

- removal of the outbuilding;
- removal of the hard surfacing;
- removal of the retaining wall;
- regrading of the front garden area and laying of turf; and
- installation of a boundary fence of no more than 1.2m in height.