

Report to Planning applications committee

14 June 2018

Report of Head of planning services

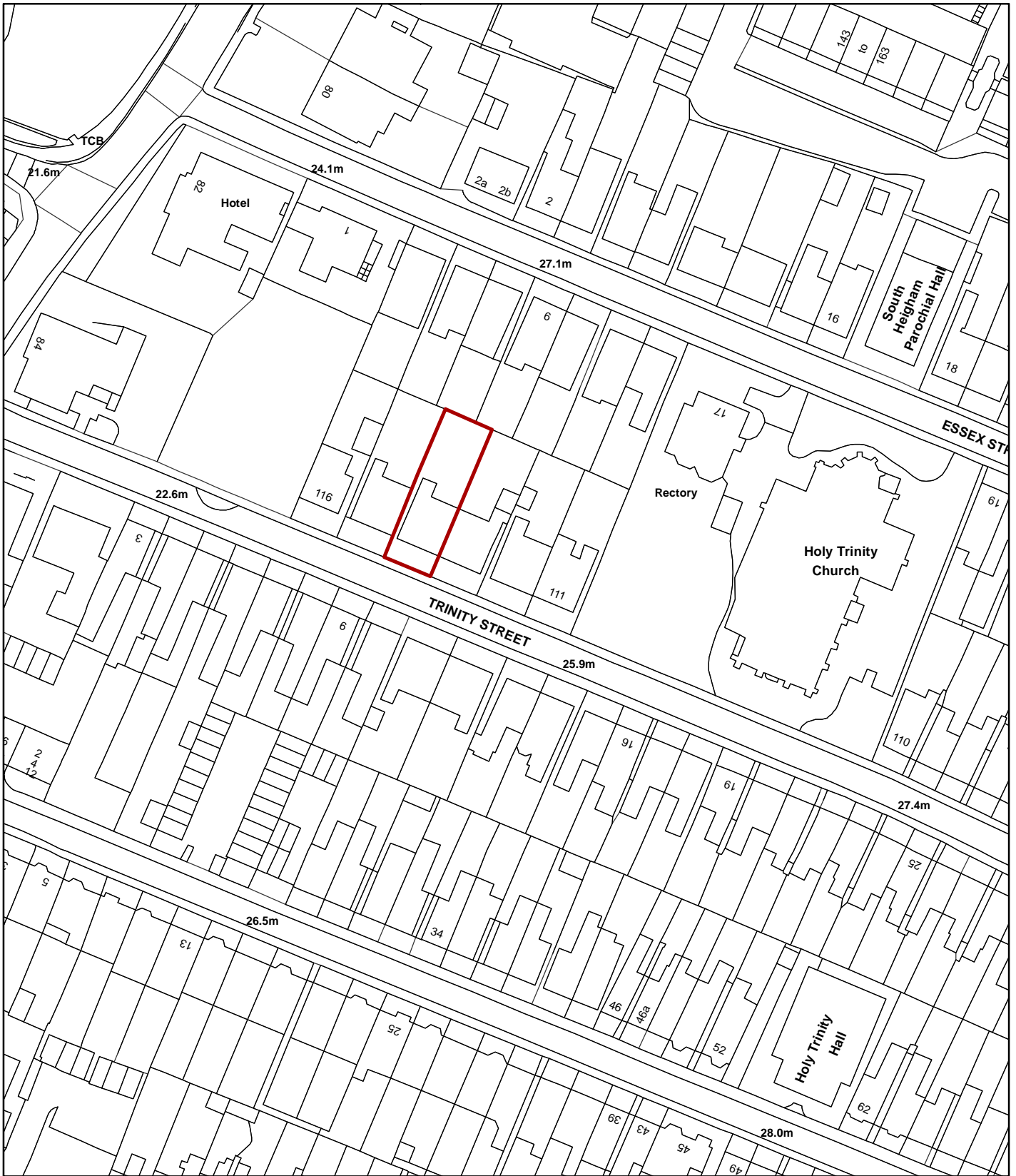
Subject Enforcement Case - 18/00087/ENF - 114 Trinity Street

Item

5(i)

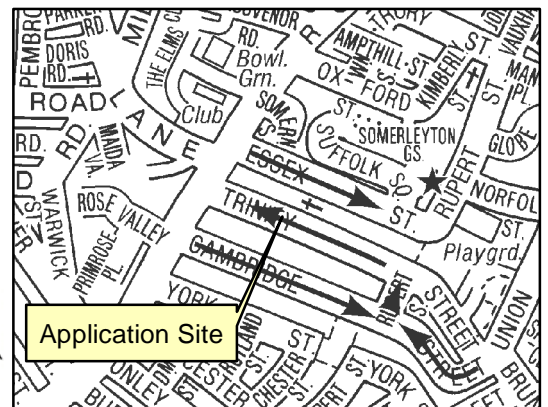
Ward:	Town Close
Case officer	Lara Emerson Contact: laraemerson@norwich.gov.uk

Description	Removal of boundary wall fronting boundary.
Reason for consideration at committee	Enforcement action recommended
Recommendation	Authorise enforcement action to require the wall to be rebuilt.



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Planning application no: 18/00087/ENF
 Site Address: 114 Trinity Street
 Scale: 1:1,000



The site

1. 114 Trinity Street is a semi-detached double fronted Victorian property located on the north-east side of Trinity Street.
2. The property sits within the Heigham Grove Conservation Area, is locally listed and covered by an Article 4 Direction which removes permitted development rights for the demolition of walls fronting a highway, amongst other things.

Relevant planning history

3. No relevant planning history.

The breach

4. On 24th May 2018, officers carried out a site visit to the neighbouring property and noted that the front boundary wall at 114 Trinity Street had been demolished. The property is covered by an Article 4 Direction which removes permitted development rights for the demolition of walls fronting a highway, amongst other things. Since officers have been investigating the breach at 113 Trinity Street (subject to a separate enforcement case), we have photographic evidence showing that the wall at no. 114 has been demolished at some time between 9th May 2018 and 24th May 2018.
5. Prior to the Article 4 Direction being implemented, 114 Trinity Street had an enlarged entrance to allow vehicular access. It is worth noting that this would have been permitted development at this time.

Relevant policies

National Planning Policy Framework (March 2012):

- NPPF0 Achieving sustainable development
- NPPF1 Building a strong, competitive economy
- NPPF2 Ensuring the vitality of town centres
- NPPF4 Promoting sustainable transport
- NPPF6 Delivering a wide choice of high quality homes

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

- JCS3 Energy and water
- JCS4 Housing delivery
- JCS5 The economy

Norwich Development Management Policies Local Plan adopted Dec 2014:

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM8 Planning effectively for open space and recreation
- DM12 Ensuring well-planned housing development
- DM18 Promoting and supporting centres

- DM20 Protecting and supporting city centre shopping

Justification for enforcement

6. Front boundary walls are a characteristic feature of this conservation area, and have been protected via an Article 4 Direction to safeguard the conservation area's significance. The works, as carried out, cause harm to the character and amenity of this locally listed building and the wider conservation area, contrary to policy DM9 of the Development Management Policies Local Plan 2014.

Equality and Diversity Issues

7. 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.
 - 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

8. The works have caused harm to designated and non-designated heritage assets contrary to local and national policies and it is therefore considered expedient to pursue enforcement action.

Recommendation

9. Authorise enforcement action, up to and including prosecution, to require the wall to be rebuilt.