

**Report to date:** Planning applications committee  
**Report of:** Head of planning services  
**Subject:** Enforcement Case 16/\*\*\*\*\*/BPC/ENF – 128  
 Thorpe Road Norwich, NR1 1RJ

Item  
**4(f)**

<b>SUMMARY</b>	
<b>Description:</b>	Unauthorised partial demolition of Boundary Wall to form access to highway – requires Planning Permission. (Listed by association to 2-4 Cotman Road)
<b>Reason for consideration at committee:</b>	Enforcement action recommended.
<b>Recommendation:</b>	Authorise enforcement action to rebuild wall to original detail.
<b>Ward:</b>	Thorpe Hamlet
<b>Contact Officer:</b>	Ali A N J Pridmore

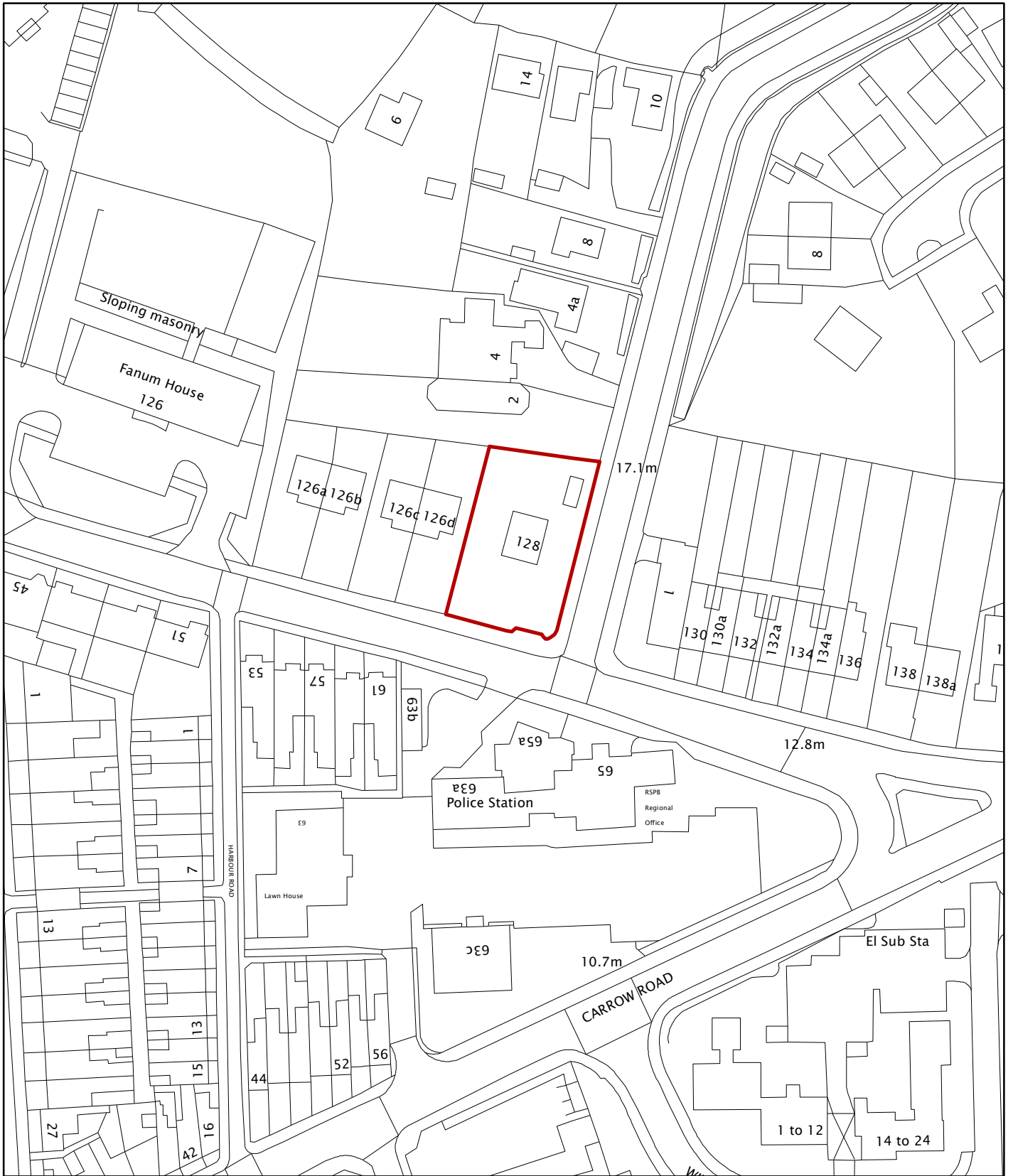
## **Introduction**

### **The Site**

1. 128 Thorpe Road is located within the Thorpe Ridge Conservation area and is situated on a prominent corner. During the early to mid-19<sup>th</sup> century several large villa style properties with front gardens and driveways were built along Thorpe road. One of these early houses 2-4 Cotman Road built in 1820, was remodelled in the Italianate style. This building had significant landscaped gardens until it was sold off for development during the 1930's. No.128 Thorpe Road is a two storey detached residential dwelling house constructed in the 1930s/40s on part of this land.
2. Large parts of the original boundary wall still survive. It is identified that this boundary wall is still part of 2-4 Cotman Road and therefore listed by virtue of being within the curtilage of the listed building.

### **Relevant planning history**

3. 16/00092/F – Current undetermined application for a two storey side extension to the West of the existing property and a single storey side extension to the East of the property.
4. Consent was given for the construction of dropped kerb (vehicle crossover) in this location by Highways section on 11<sup>th</sup> January 2016 reference: 15HW128TR.



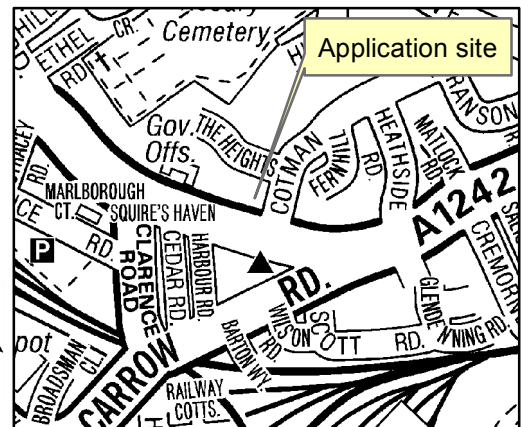
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Planning Application No Enforcement  
 Site Address 128 Thorpe Road

Scale 1:1,000



**NORWICH**  
 City Council  
 PLANNING SERVICES



## **Purpose**

5. The owner of 128 Thorpe Road applied for and was given consent for construction of a vehicle crossover/dropped kerb in this location. A separate planning application (ref: 16/00092/F) was made for the construction of side extensions, this made no reference to the proposed new opening. During the consultation period for application ref: 16/00092/F officers became aware of the application to form the vehicle cross over.
6. On 1 February 2016, the agent for the application was informed that an application for planning permission would be required to form a new opening in the wall. At this time, the wall was damaged on the Cotman Road elevation (some of the facing flint cobbles were stored on Cotman Road pavement behind a temporary barrier), but fundamentally still intact. On 8 February the council was notified by call from a nearby resident that the Developer had proceeded to form an un-authorized 5.0m (approx.) opening in the boundary wall. No application for planning consent was made for these works.
7. Contact was made with the applicant and agent informing them that the demolition of the historic wall was un-authorized; they were advised to cease works immediately. The unauthorised demolition has occurred within the last four years and is therefore not immune from enforcement action. The unauthorised demolition is a breach of planning control.
8. On 9 February, the applicant and agent confirmed that no further works would take place. They were informed that following the conservation officer's review, an application for a new opening in this location would be unlikely to be supported. The wall forms an important element in the setting of the listed building, and its demolition detracts from the special architectural and historic interest of the listed building. In order to safeguard the setting of the listed building, all materials removed from the wall should be retained and stored safely, to be used in the re-building of the wall.
9. Authority is sought from the planning applications committee for enforcement action to secure the re-building of the unauthorised demolition and return the wall back to the original, repaired, condition. Enforcement action to include direct action and prosecution if necessary.

## **Breach**

10. The demolition to a historic wall associated with a Grade II Listed Building in the Thorpe Ridge conservation area without consent. The demolition of the wall is considered to be development for which planning permission would be required under section 171A(1) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).
11. No planning application has been received for this work. If any application were to be made, it would be unlikely to receive approval as the works

would detract unduly from the special architectural and historic interest of the listed building.

12. It appears to Norwich City Council that the above breach of planning control has occurred within the last four years and is not therefore immune from enforcement action. The unauthorised demolition has caused significant harm to the undesignated heritage asset and the conservation area. The council does not consider that planning permission should be given because planning conditions would not overcome these objections.

### **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
- 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
- DM9 Safeguarding Norwich's heritage
- DM12 Principles for all residential development
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

### **Justification for enforcement**

13. The proposal would have a significant detrimental impact on the historic fabric and layout of the site at 128 Thorpe Road and associated site at 2-4 Cotman Road. The existing access to the site is the original/historic entrance to the site and forms part an important part of setting listed building and should be retained as such. A new access in this position is considered to have a wider detrimental impact on the character of the Thorpe Ridge Conservation area, contrary to policies DM3 and DM9.

### **Equality and diversity Issues**

14. 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**

15. On balance it is considered that the unauthorised demolition and proposed new opening in the undesignated historic fabric to form a new vehicular access onto Cotman Road is not considered acceptable.
16. It is therefore necessary to ask for authorisation from the planning applications committee to ensure the cessation of the unauthorised development and redevelopment of the wall to its original condition, therefore, remedy the breach of planning control.

### **Recommendations**

To authorise enforcement action to secure the cessation of the unauthorised development of a new opening and forming of a new vehicular access to Cotman Road and return the wall back to its original condition; including the taking of direct action that may result in referring the matter for prosecution if necessary.