

Report to Planning applications committee
12 April 2018
Report of Head of planning services
Subject Enforcement Case – 2 Bracondale, Norwich NR1 2AF

Item

4(g)

SUMMARY	
Description:	Front garden being used as off street parking.
Reason for consideration at committee:	Enforcement action recommended.
Recommendation:	Authorise enforcement action up to and including prosecution in order to secure reinstatement of the front garden, including a front fence or wall of a similar height to that recently removed and of a design in keeping with the character of the conservation area.
Ward:	Lakenham
Contact officer:	Stephen Little stephenlittle@norwich.gov.uk

The site

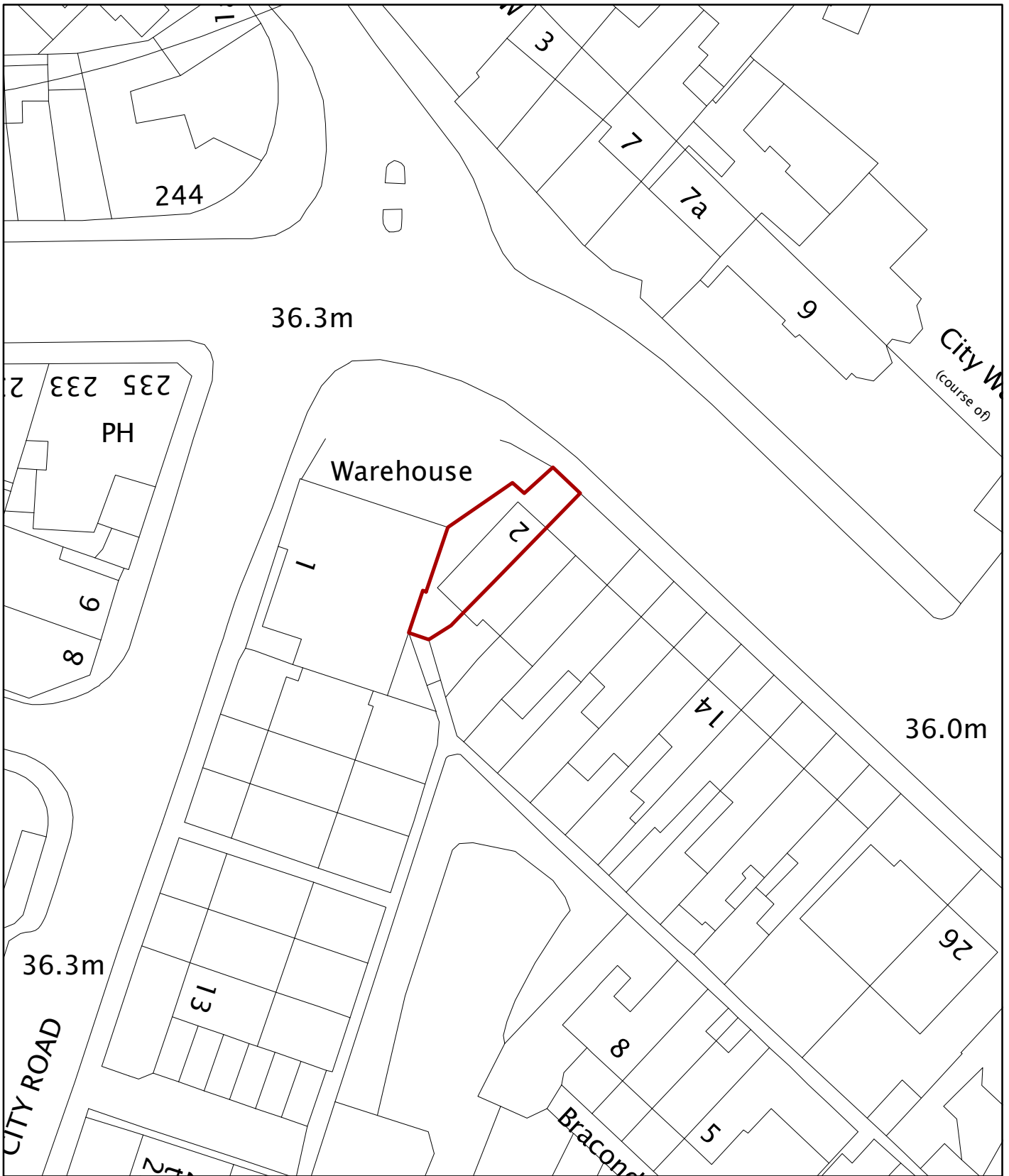
1. The site is located on the south side of Bracondale close to the southern edge of the city centre. The subject property is a Victorian two-storey end terrace dwelling within the Bracondale Conservation Area and adjacent to the busy junction of Queens Road/Bracondale and City Road/Ber Street.
2. To the immediate west of the property is 1-1a Bracondale, a retail premises with parking on its forecourt. The terrace extends to the south-east of the property; the front gardens of which are approximately 5m long and typically comprise of low front boundary walls or fencing with hedging and/or shrubs behind.

Relevant planning history

3. No recent history

The breach

4. Without planning permission carrying out the following operations:
Front garden being used as off-street parking, facilitated by removal of front fence and gravel surfacing of front garden.



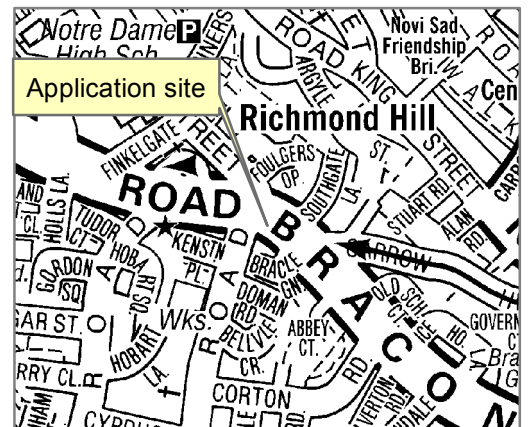
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Planning Application No 17/00022/ENF
 Site Address 2 Bracondale

Scale 1:500



NORWICH
 City Council
 PLANNING SERVICES



Relevant policies

National Planning Policy Framework:

- NPPF4 Promoting sustainable transport
- 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

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

- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's heritage
- DM30 Access and Highway Safety

Justification for enforcement

5. Recently a front boundary fence running parallel with the road has been removed and the small front garden surfaced with gravel. This constitutes the formation of a means of access to an existing highway for which, in accordance with Article 3 Paragraph (6) of the Town and Country Planning (General Permitted Development) Order 2015, planning permission is required.
6. This is not in keeping with the appearance of the frontage of the terrace, where low walls/fencing and greenery predominate, and would represent harm to the character of the conservation area. Additionally, the conservation area appraisal specifically identifies parking next door in the forecourt of 1-1a City Road as contributing to the unattractive nature of that frontage, thus giving further weight to resisting any extension of parking to directly adjacent areas.
- 7.
8. Off-road parking further to the south along Bracondale is restricted to designated gravel areas to help preserve the character of the conservation area.
9. The creation of a new access over a pavement, in such close proximity to this particularly busy junction and adjacent to a parking bay restricting views of oncoming traffic, would not be considered acceptable. It is also the case that the restricted size of the parking area means it lacks provision to access and egress in a forward gear.
10. There is on-street parking to the front of the terrace and in many nearby locations.

Equality and diversity Issues

11. 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 access 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

12. For the reasons outlined above the works are considered to result in harm to the character and appearance of the conservation area and to be unacceptable in terms of highway safety. As such it is recommended that authorisation is given to serve an enforcement notice seeking removal of the access and reinstatement of the front garden and appropriate front boundary treatment.

Recommendation

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

Removal of the access and reinstatement of the front garden, including railings of a similar height to that recently removed and of a design in keeping with the character of the conservation area.