

Report to Planning applications committee

Item

13 July 2017

Report of Head of planning services

4(f)

Subject Enforcement Case 17/00028/ENF – 2 Field View, Norwich,
NR5 8AQ

SUMMARY

Description: Without planning permission the change of use of a residential dwelling (use class C3) to a large House of Multiple Occupation (sui generis use) and the change of use of a garage to an independent office unit.

Reason for consideration at Committee: Enforcement Action recommended.

Recommendation: Authorise enforcement action up to and including prosecution in order to secure the cessation of the unlawful use as large HMO and return the use of the former garage to incidental / ancillary use.

Ward: Wensum

Contact Officer: Robert Webb robertwebb@norwich.gov.uk

INTRODUCTION

The Site

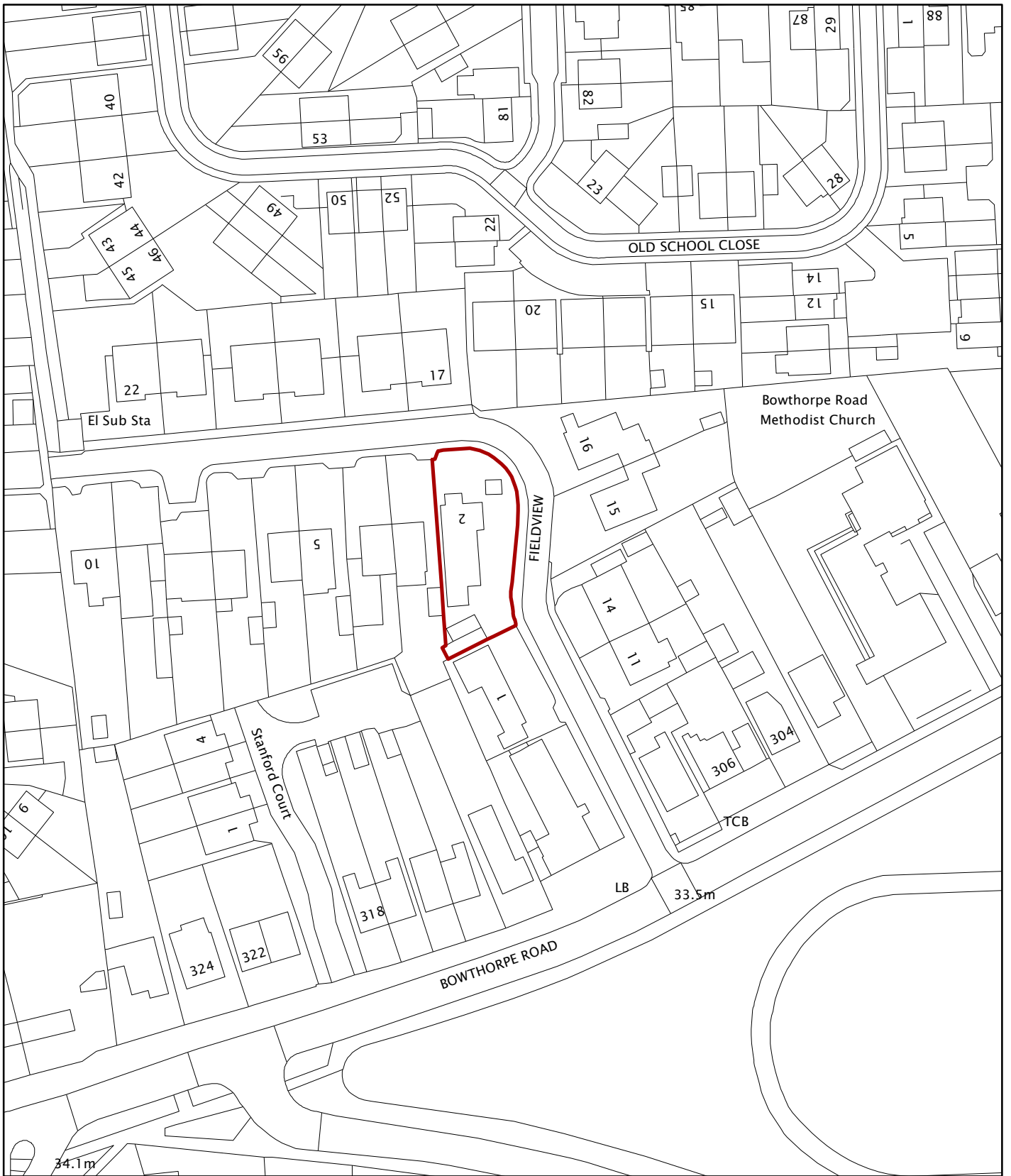
1. No. 2 Fieldview is a two storey semi-detached house located on a small modern cul-de-sac off Bowthorpe Road. The street contains a mix of detached and semi-detached houses and the surrounding area is predominantly residential in character.

Relevant planning history

2. None relevant.

The Breach

3. The conversion of a former detached garage to form a separate unit of office (Class B1) use accommodation without planning permission and the change of use from (Class C3) / HMO (Class C4) use to sui generis HMO use without the benefit of planning permission.



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Planning Application No 17/00028/ENF

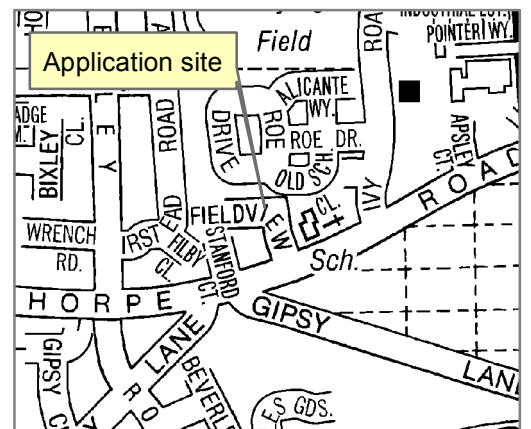
Site Address 2 Fieldview

Scale 1:1,000



NORWICH
City Council

PLANNING SERVICES



4. The development and change of use requires planning permission which is required under section 171A(1) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).
5. The owner of 2 Fieldview has been informed the conversion of the former detached garage and the unauthorised sui generis HMO use is a breach of planning control and was asked to cease the unauthorised use and return the former garage back to incidental / ancillary purposes.
6. It appears to Norwich City Council that the above breach of planning control has occurred within the last ten years and is not therefore immune from enforcement action.

7. Policies and Planning Assessment

National Planning Policy Framework:

- Statement 1 Building a strong and competitive economy
- Statement 6 A wide choice of good quality homes
- 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
- JCS4 Housing
- 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
- DM12 Principles for all residential development
- DM13 Communal development and multiple occupation
- DM28 Encouraging sustainable travel
- DM30 Access and highway safety
- DM31 Car parking and servicing

Justification for Enforcement

8. The combination of the loss of the garage and parking area and the conversion of the house to a large HMO has the potential to cause harm to neighbouring occupiers by increasing the likelihood of on-street parking associated with the HMO and increasing the intensity of the use of the land by the creation of a new planning unit in the form of the office. This would be contrary to policies DM2 and DM13 of the Development Management Policies Development Plan Document adopted 2014.

Equality and Diversity Issues

9. 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.

Conclusion

10. The unauthorised use would have a significant detrimental impact on the residential amenities of occupiers and neighbouring properties.
11. Authority is sought from the Planning Applications Committee for enforcement action to secure the cessation of the unauthorised use of the former garage for office (Class B1) use and return the building back to an incidental / ancillary use to the property known as no. 2 Fieldview. Authorisation is also sought to secure the cessation of the unauthorised sui generis HMO use and return the property back to residential (Class C3) use or small HMO (Class C4) use, should this be required. Enforcement action is to include direct action and prosecution if necessary.

Recommendation

12. Authorise enforcement action to secure the cessation of the unauthorised change of use of the former garage to an office and return it back to its authorised use as incidental / ancillary to the dwelling known as no. 2 Fieldview, and to secure the cessation of the unauthorised use of the dwelling known as no. 2 Fieldview as a sui generis HMO including the taking of direct action which may result in referring the matter for prosecution if necessary.