

Report to Planning applications committee
12 April 2018
Report of Head of planning services
Subject Enforcement Case – 111 Earham Road, Norwich

Item

4(f)

SUMMARY	
Description:	Erection of fence and shed in front garden.
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 fence;• removal of the shed.
Ward:	Nelson
Contact officer:	Charlotte Hounsell charlottehounsell@norwich.gov.uk

The site

1. The site is located on the north side of Earham Road to the west of the city. The subject property is 2½ storey mid-terrace dwelling. The whole terrace is locally listed, within the Heigham Grove Conservation Area and is covered by the Heigham Grove Article 4 direction which removes various permitted development rights for alterations at the front of properties covered by the direction. Front gardens in the terrace typically comprise of low front boundary walls with hedging or trees behind.

Relevant planning history

2. 17/00519/TCA granted consent for the removal of two lime trees in the back garden and one palm tree in the front garden (decision date 26 April 2017).

The breach

3. Without planning permission carrying out the following operations:
 - a) Erecting a fence adjacent to the highway;
 - b) Erection of a shed in the front garden.

Relevant policies

National Planning Policy Framework:

- NPPF7 Requiring good design



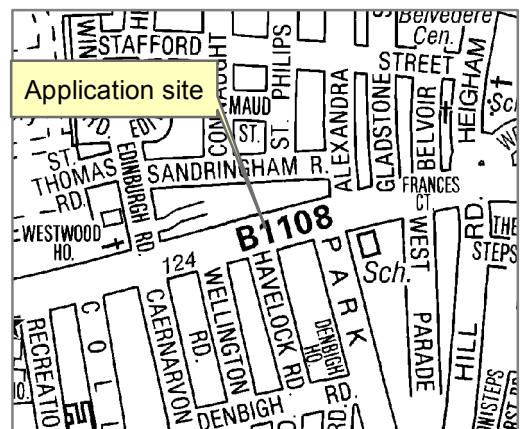
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Planning Application No 17/00186/ENF
 Site Address 111 Earlham Road

Scale 1:500



NORWICH
 City Council
 PLANNING SERVICES



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

Justification for enforcement

1. Within the last year a front boundary hedge running parallel with the road has been removed and in its place a fence and shed erected. A palm tree has also been removed however this was with the benefit of a works to trees application.
2. The removal of the hedge does not require any form of consent, however the erection of both the fence and shed constitute development and no permitted development rights would apply. This would be the case irrespective of the Article 4 direction as the fence is over 1m in height adjacent to the highway and the shed is located forward of the principal elevation of the dwellinghouse.
3. Both the shed and fence are inconsistent with the character and appearance of the frontage of the terrace which has an otherwise verdant character. The erection of the fence and shed would harm the character and appearance of the terrace leading to less than substantial harm to the conservation area and the locally listed terrace which is not considered to be outweighed by the benefits to the occupier.
4. As such, the development is considered to be contrary to policies DM3 and DM9 of the Development Management Policies Development Plan Document adopted 2014 as well as paragraph 134 of the NPPF.
5. Authorisation is therefore sought to serve an enforcement notice to secure the removal of the fence and shed.

Equality and diversity Issues

4. The Human Rights Act 1998 came into effect on 2 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 shed and fence 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

5. For the reasons outlined above the works are considered to result in less than substantial harm to the character and appearance of the conservation area which is not outweighed by the benefits of the proposal as such it is commended that authorisation is given to serve an enforcement notice seeking removal of the fence and shed.

Recommendation

6. Authorise enforcement action up to and including prosecution in order to secure:
 1. removal of the fence;
 2. removal of the shed.