

**Report to** Planning applications committee  
13 July 2017  
**Report of** Head of planning services  
**Subject** Enforcement Case 1700078ENF 10 Ruskin Road, Norwich

---

Item

4(e)

## SUMMARY

**Description:** Without planning permission the erection of a first floor extension and the creation of further letting rooms to a student property and potential creation of a large HMO.

**Reason for consideration at Committee:** Enforcement Action recommended.

**Recommendation:** Authorise enforcement action up to and including prosecution in order to secure the removal of the extension and return the use of the former garage to incidental / ancillary use to the dwelling known as no. 10 Ruskin Road.

**Ward:** University

**Contact Officer:** Robert Webb [robertwebb@norwich.gov.uk](mailto:robertwebb@norwich.gov.uk)

## INTRODUCTION

### The Site

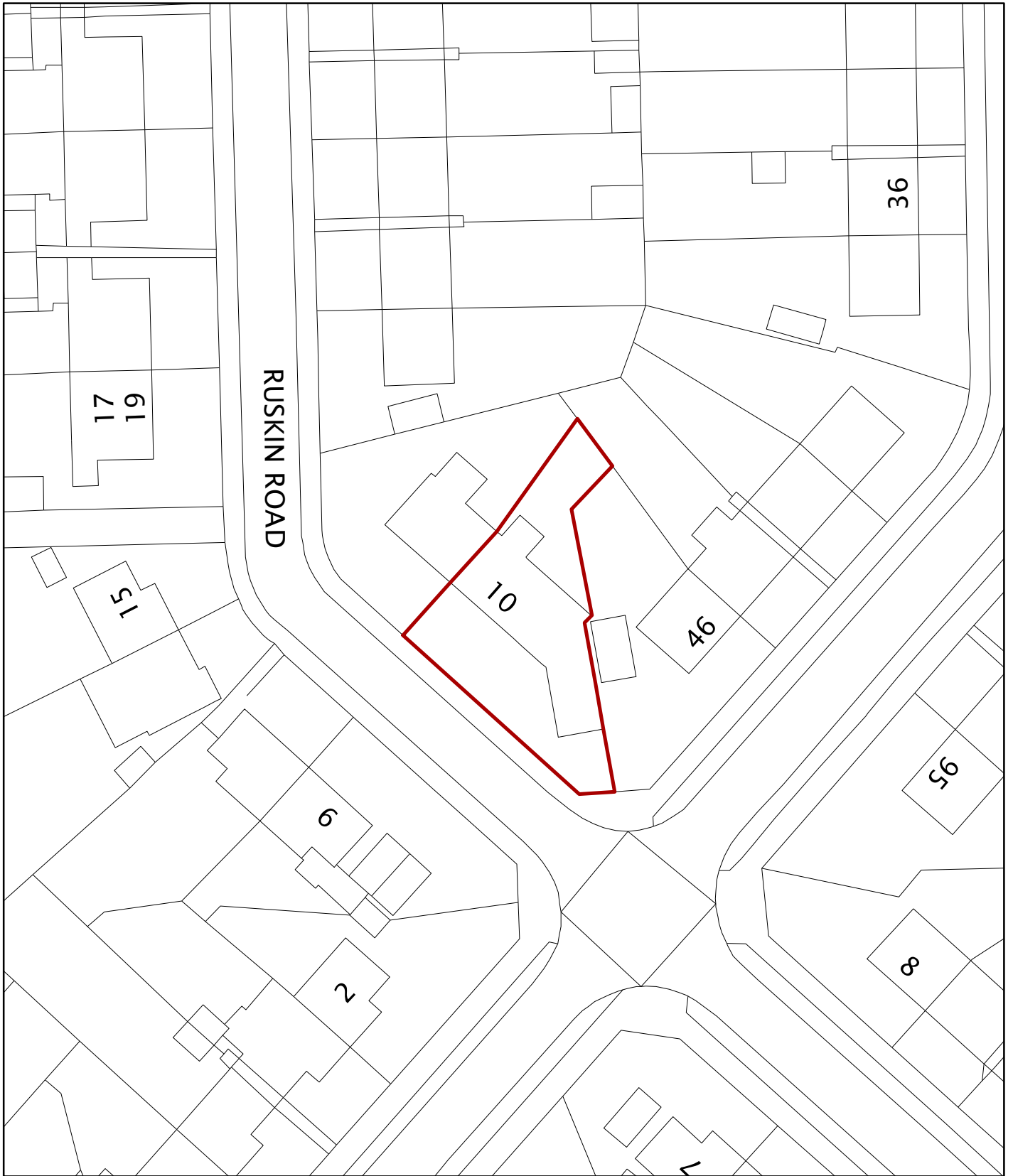
1. No. 10 Ruskin Road is a two storey semi-detached house which is let to students.

### Relevant planning history

2. Application ref. 4/2000/0814 Erection of two storey extension and attached single storey garage. Approved 19.12.2000

### The Breach

3. The construction of a first floor extension above an existing garage and the creation of additional letting rooms.
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).



© Crown Copyright and database right 2017. Ordnance Survey 100019747.

Planning Application No 17/00078/ENF

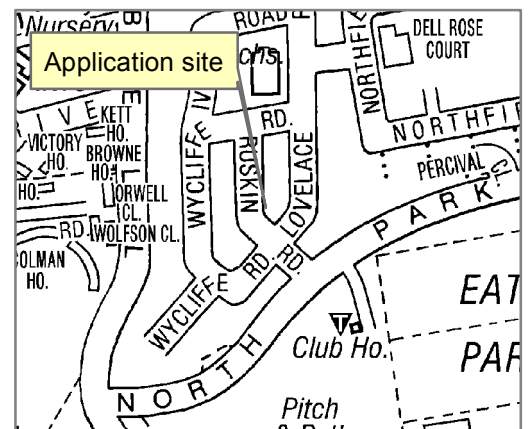
Site Address 10 Ruskin Road

Scale 1:500



**NORWICH**  
City Council

PLANNING SERVICES



5. 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.
6. **Policies and Planning Assessment**  
National Planning Policy Framework:
  - 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  
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
  - DM30 Access and highway safety
  - DM31 Car parking and servicing

### **Justification for Enforcement**

7. The extension that has been built is not sympathetic to the character of the original property due to its scale and prominent position on the principle elevation. It is also considered harmful to the character of the street scene. In addition the conversion of the garage to living accommodation and the creation of further letting rooms generally may not be acceptable if it means a conversion to a large HMO has taken place.

### **Equality and Diversity Issues**

8. 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**

9. The unauthorised extension has a significant detrimental impact on the character and appearance of the property and street scene. In addition to this if a conversion to a large HMO is proposed (more than 6 people) then the loss of the garage facility for storage/parking and the increased intensity of occupancy has the potential for adverse impacts on future occupiers and neighbours.
10. Authority is sought from the planning applications committee for enforcement action to secure the removal of the extension, and if appropriate the conversion of the ground floor back to a garage. Enforcement action is to include direct action and prosecution if necessary.

## **Recommendations**

11. Authorise enforcement action to secure the removal of the unauthorised extension, and authorise enforcement action to secure the conversion of the garage back to its authorised use as incidental / ancillary storage space to the main dwelling; including the taking of direct action which may result in referring the matter for prosecution if necessary.