

Item 6

Report For Resolution

Report to Planning Applications Committee

Date 19th July 2012

Report of Head of Planning Services

Subject Enforcement Case 12/00049/EXTEN/ENF – 64-66 Westwick Street

SUMMARY

Description: Unauthorised erection of conservatory

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 unlawful conservatory which was constructed without planning permission.

Ward: Mancroft

Contact Officer: Ali A N J Pridmore Enforcement Officer

INTRODUCTION

The Site

1. The site lies on the north-eastern side of Westwick Street and comprises a former garage and car sales site which in 2006 gained planning permission for change of use to multi-occupancy office use.
2. There are two main buildings on site; the one on the west side which was the former car showroom is predominantly glazed at ground floor level with cladding and glazing at first floor level. The ground floor is predominantly open plan with a small area portioned off for kitchen and toilet facilities.
3. The building to the east comprises the reception area, office large storage units, the two building are linked with an overheard walkway to the rear of the site.
4. The River Wensum runs along the north-west (rear) boundary and a residential development called Watermans Yard lies in close proximity to the East.

5. The site is within the City Centre Conservation Area and falls within the Northern Riverside character area of the Conservation Area Appraisal. Within the appraisal the former car showroom buildings are identified as negative buildings within the character area.

Planning History

6. Application No. 06/00449/F - Conversion of car showroom to multi-occupancy offices with associated parking, installation of new windows and fire escape. Approved 27th June 2006.
7. Application No. 06/00807/D - Details of materials and condition 4: arboricultural implications and method statement of previous planning permission 06/00449/F, including conversion of car showroom to multi-occupancy offices with associated parking, installation of new windows and fire escape. Approved 19th September 2006.
8. Application No. 07/00437/D - Details of condition 11 extraction systems for previous planning permission 06/00449/F, including conversion of car showroom to multi-occupancy offices with associated parking, installation of new windows and fire escape. Approved 24th July 2007.

Purpose

9. This report relates to the unauthorised erection of a conservatory at 64-66 Westwick Street which adjoins the east side building edged in red in Figure 1 below. This conservatory has been erected at the rear of the site between the end of a two storey block comprising of an open plan office and storage units and the River Wensum.
10. The construction of this conservatory is classed as 'operational development' which falls outside of Part 41; Class A of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010, and for which planning permission is required. As the conservatory does not have planning permission and is not classed as permitted development, the development is unlawful.
11. The current use of the conservatory by the business appears to be an unauthorised extension of the office space on the site rather than for any other ancillary use.
12. Authority is sought from the Planning Applications Committee for enforcement action to secure the removal of the unauthorised conservatory and any associated brickwork/blockwork from the site and action to include direct action and prosecution if necessary.

Breach

13. The construction of this conservatory is development which falls outside of Part 41; Class A of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010. The construction of this conservatory is operational development for which planning permission would be required. Such an application would not be supported due to the poor design of the conservatory and the sensitive nature of the Conservation Area and riverside area.

Policies and Planning Assessment

Relevant Planning Policies

National Planning Policy Framework

Statement 7 – Supporting good design

Statement 8 – Conserving and Enhancing the historic Environment

East of England Plan (Adopted May 2008)

ENV6 – The Historic Environment

ENV7 – Quality in the built Environment

Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)

Policy 2 – Promoting good design

Replacement Local Plan – saved policies (Adopted November 2004)

HBE8 – Development in Conservation Areas

HBE12 – High quality of design

HBE3 – Area of Main Archaeological Interest

Supplementary Planning Documents and Guidance

City Centre Conservation area Appraisal (Sept. 2007)

Justification for Enforcement

14. The recently erected UPVC conservatory by reason of its poor design results in a significant harm to the character and appearance of this part of the City Centre Conservation Area and river frontage.
15. Several attempts have been made to negotiating with the proprietor of the business to achieve the removal of the erected conservatory and associated brickwork/blockwork, In the absence of its removal the proprietor of the business has also been advised of the need to apply for retrospective planning permission although it has been made clear that any application would probably not be supported. No application has yet been received by Norwich City Council to apply for retrospective planning permission. Figures 2, 3 and 4 show the conservatory on the 19th April 2012.

Equality and Diversity Issues

16. 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 one's 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

17. The poor design and visual appearance of the erected conservatory is harmful to the character and appearance of this part of the City Centre Conservation Area and the river frontage.

18. It is therefore necessary to ask for authorisation from the Planning Applications Committee to ensure the removal of the unauthorised conservatory and associated brickwork/blockwork and therefore remedy the breach of planning control. This will ensure compliance with the provisions of the National Planning Policy Framework, policies ENV6 and 7 of the East of England Plan (adopted May 2008), policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (adopted March 2012) and saved policies HBE8 and HBE12 of the City of Norwich Replacement Local Plan (adopted November 2004) .

Recommendations

19. Authorise enforcement action to secure the removal of the unauthorised conservatory including the removal of any associated structure constructed including brickwork/blockwork and to undertake direct action and legal proceedings, including prosecution if necessary.

Background Documents

National Planning Policy Framework

East of England Plan (Adopted 2008)

Joint Core Strategy for Broadland, Norwich and South Norfolk (Adopted March 2011)

City of Norwich Replacement Local Plan (Adopted Version, November 2004)

City Centre Conservation Area Appraisal (Sept. 2007)

Relevant correspondence – Enforcement File – 12/00049/EXTEN/ENF

Images



Figure 1: Aerial photograph of 64-66 Westwick Street (2010) with site of erected conservatory edged in Red.



Figure 2: Photograph taken of internal space of newly constructed conservatory at 64-66 Westwick Street taken on the 19th April 2012.



Figure 3: *Photograph of newly constructed conservatory at 64-66 Westwick Street taken on the 19th April 2012.*



Figure 4: *Photograph of conservatory taken on the 19th April 2012 looking at boundary of conservatory with the River Wensum.*