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11. E/06/0487/A – Untidy condition of land and dwelling at 58 Maze Green Road, Bishop’s Stortford, CM23 2PL

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD (SILVER LEYS)

RECOMMENDATION

That the Director of Internal Services, in consultation with the Director of Neighbourhood Services, be authorised to issue and serve a Notice under s.215 of the Town and Country Planning Act 1990 and such other steps as may be required to secure the improvement of the site by:

The removal of all the overgrown vegetation from the front and rear gardens of the property; the repair of the dwelling by the removal of the boarding to the front door and its repair or replacement with a new front door; the replacement or repair and painting of the barge boards; the repair or replacement of the back door; the repair or replacement and painting of all the window frames; and the replacement of any broken window or door glazing, leaving the site in a clean and tidy condition.

Period for compliance: 30 days.

Reasons why it is expedient to issue a s.215 Notice:

The condition of the land is detrimental to the amenity of the surrounding area by reason of the overgrown vegetation in the gardens and by the poor condition of the dwelling itself.

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1.0 Background

1.1 The site is shown on the attached Ordnance Survey extract. The property is located on the northern side of Maze Green Road, Bishop’s Stortford near its junction with Dane Park. This is a prominent location on a residential road of mixed properties including Bishop’s Stortford College.

1.2 In July 2002 concerns were expressed to the Council about the untidy condition of the land. Officers visited the site and noted at that time that the front garden was slightly overgrown. However, it was considered by officers

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that it was not expedient to seek authority to issue and serve a s.215 Notice.

- 1.3 In October 2006 further concerns were expressed to the authority about the condition of the dwelling and the front and rear gardens. Officers visited the site and found the gardens severely overgrown to an extent that the neighbour had cut back some of the vegetation in the front garden which overhung his property. At the rear the fencing was broken allowing views of the overgrown rear garden to the neighbours. The house appeared to be in a poor state of repair, with the front door boarded up with chip board.
- 1.4 Letters were sent to the owner requesting that the condition of the land and building be remedied but no replies were received.
- 1.5 Following authorisation from the committee in January 2007 a s.215 notice was issued and served on the 14th March 2007 requiring the removal of overgrown vegetation at the site and the removal of the boarding to the front door. However the notice was not complied with and in August 2007 it became necessary for the Council to take direct action to tidy the site. As the owner failed to pay the costs of this action, it was also necessary obtain a legal charge on the property through the County Court in order to recover them.
- 1.6 Although there was some improvement in the appearance of the property following the direct action, the site has once again deteriorated, with the front and rear gardens having returned to their overgrown state; the front door remains boarded up; the barge boards, wooden door and window frames are rotting with some glazing missing or broken and a danger of more glass falling out.
- 1.7 The owner of the site has failed to respond to any correspondence from officers or indeed to attend the County Court.
- 1.8 Photographs of the site will be made available at the meeting.

2.0 Considerations

- 2.1 It is the opinion of officers that the amenity of the local area is adversely affected by the condition of the land and the dwelling. The overgrown vegetation and poor state of repair of the dwelling is detrimental to the appearance of the street scene and the surrounding area.
- 2.2 The amenity of the local area has in fact been adversely affected for in excess of three years and local residents have expressed concerns since

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2002. It is considered that the owner has been given sufficient time to rectify this breach of planning control and it is now necessary to further pursue this matter.

- 2.3 If further action is taken under s.215 of the Act and the owner fails once again to respond or comply with any notice, it will be necessary to take further direct action. The cost of such work is met by the council and if these costs are not recovered it will be necessary to seek judgement again in the County Court and a further charge placed on the property. The Council's cumulative costs would then be recovered when the property is eventually sold.
- 2.4 Failure to comply with the requirements of a s.215 notice is an offence and officers will also seek the assistance of the legal department to issue a summons to be answered in the local magistrates' court. If a conviction is secured and the notice is still not complied with, the continuing offence could be subject to a further daily fine. The owner has been advised of this fact and it is hoped that this will encourage some contact with the council to discuss the matter, or to action being taken to rectify the condition of the land and building.

3.0 Conclusion

- 3.1 In view of the above it is recommended that authorisation be given to issue and serve a further s.215 notice on this site requiring the tidying of the land and the repair/refurbishment of the dwelling as indicated at the head of this report.
- 3.2 It is also recommended that legal proceedings be taken in the event that the notice is not complied with and that further direct action is taken to secure the required improvements to the land and building if necessary.