

**5m E/11/0274/B - Unauthorised erection of a second floor rear extension above the rear wing of the property at 8 Trinity Road, Ware, SG12 7DB**

**Parish:     WARE**

**Ward:     WARE TRINITY**

**RECOMMENDATION:**

That Members note that Officers', in consultation with the Chairman, have exercised their delegated powers to act in cases of urgency to serve an enforcement notice under Section 172 of the Town and Country Planning Act 1990 to secure the removal of the unauthorised development from the land.

Period for compliance: 6 Months.

Reason why it was expedient to issue an enforcement notice:

1. The development by reason of its height, scale and design has an overbearing appearance and is out of keeping with and detrimental to the character and appearance of the dwelling, the pair of dwellings of which it forms part, the street scene and fails to take the opportunities available for improving the character and quality of the area contrary to saved policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.

Reason why it was necessary to exercise delegated powers:

1. The above works were refused a certificate of lawful use under delegated powers on 12<sup>th</sup> December 2011 and an appeal against that decision has now been received by the Council. Given the time and costs involved in servicing such appeals it is the Authority's practice to serve enforcement notices promptly to enable appeals against both the refusal of the application and the enforcement notice to be linked and determined simultaneously. Given the time before the next Committee meeting it was considered that there would be insufficient time to conjoin the appeals if delegated powers were not used.

\_\_\_\_\_ (027411B.CA)

**1.0 Background:**

- 1.1 The site is shown on the attached OS extract. It forms one of a pair of Victorian semi-detached houses and is situated on the west side of Trinity Road about 45 metres north of the junction with Musley Lane.

## **E/11/0274/B**

Photographs of the site will be available at the meeting.

- 1.2 In August 2011 a concern was expressed to the Authority that there were works underway to extend the property without the benefit of planning permission.
- 1.3 The enforcement officer visited the site on 6<sup>th</sup> September 2011 and viewed the works. The enforcement officer spoke to the owner who considered that the development was permitted under Class B of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 (as amended); roof alterations.
- 1.4 The works consisted of the removal of the roof of the rear wing of the property, the creation of a dormer window in the rear slope of the main roof, the removal of the gable end wall of the rear wing, the creation of second floor walls and a new flat roof. This additional room interconnected with the dormer window. The new walls were clad in a material of slate appearance.
- 1.5 Officers considered that the works were not authorised by the terms of Class B of the Order and were also not permitted by any other Class of it. The enforcement officer wrote to the owner informing her of this, advising that planning permission was required for the works which, by that time, were complete.
- 1.6 The owner submitted an application for a certificate of lawful use or development (3/11/1695/CL) seeking the formal view of the local planning authority, which was validated on 23<sup>rd</sup> September 2011. This was refused by officers under delegated powers on 12<sup>th</sup> December 2011.
- 1.7 No application for planning permission has been received to date.
- 1.8 Members may recall a similar case at 15 London Road, Hertford which was reported to Members on 25<sup>th</sup> May 2011. In that matter a planning inspector has recently dismissed the appeal made against the enforcement notice and upheld the requirements of the notice.
- 1.9 Photographs of the site will be available at the meeting.

## **2.0 Planning History:**

- 2.1 The most relevant planning history for the site can be summarised as follows:

## **E/11/0274/B**

3/11/1195/FP Rear conservatory. - Approved.

3/11/1695/CL Rear dormer window. - Refused.

### **3.0 Policy:**

3.1 The relevant saved policies of the adopted Local Plan in this matter are:-

ENV1 - Design and Environmental Quality.

ENV5 - Extensions to Dwellings.

ENV6 - Extensions to Dwellings – Criteria.

### **4.0 Considerations:**

4.1 The determining issues in this case relate to the height, scale and design of the unauthorised development and its impact on the character and appearance of the building and its surroundings.

4.2 The development has resulted in the raising of the roof of the existing rear wing of the dwelling by 1.5 metres above the former ridge height over a length of 3.5 metres to create an additional floor level with a flat roof. The accommodation created above the rear wing at second floor level now forms an additional en-suite bathroom. This creates a bulky and overly dominant structure that significantly detracts from the traditional symmetry of the Victorian semi-detached properties, of which it forms a part.

4.3 The development is bulky and unduly conspicuous within the surrounding street scene to the detriment of the character and appearance of the area.

### **5.0 Recommendation:**

It is therefore recommended that Members' note the authorisation given under delegated powers to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised development from the land and the reinstatement of the building to its former condition.