



REGULATORY SERVICES COMMITTEE

REPORT

8 January 2015

Subject Heading:

Planning Contravention
33 Hornminster Glen, Hornchurch

Report Author and contact details:

Simon Thelwell
Projects and Regulations Manager
01708 432685

simon.thelwell@havering.gov.uk

Policy context:

Local Development Framework

Financial summary:

Enforcement action and a defence of the Council's case in any appeal will have financial implications.

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	<input type="checkbox"/>
Championing education and learning for all	<input type="checkbox"/>
Providing economic, social and cultural activity in thriving towns and villages	<input type="checkbox"/>
Value and enhance the life of our residents	<input checked="" type="checkbox"/>
Delivering high customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This report concerns the placement of a summerhouse in the front garden of the property at 33 Hornminster Glen, Hornchurch RM11 3XL. The summerhouse has been placed forward of the principal building line of the main residential dwelling and by reason of its siting, design and appearance is considered detrimental to the visual amenity of the area. Therefore it is requested that authority be given to issue and serve Enforcement Notices to remedy the breach.

RECOMMENDATIONS

That the committee consider it expedient that an Enforcement Notice be issued and served to require within 3 months of the effective date of the notice:

- i) Remove the unauthorised summerhouse.
- ii) Remove from the Land all materials, rubble, machinery, apparatus and installations used in connection with or resulting from compliance with (i) above.

In the event of non compliance, and if deemed expedient, that proceedings be instituted under the provisions of the Town and Country Planning Act 1990.

REPORT DETAIL

1. **Site Description**

- 1.1 33 Hornminster Glen, Hornchurch RM11 3XL shown outlined bold black on the site plan (“the Property”) is a 2 storey, semi-detached residential dwelling located at the end of a cul de sac. The surrounding area comprises of two storey semi-detached dwellings.

2. **The Alleged Planning Contravention**

- 2.1 Without planning permission, the placement of a summerhouse in the front garden of the Property forward of the principal building line in the area hatched black on the site plan.

3. **Enforcement Background**

- 3.1 On 26 November 2012 the Local Planning Authority received a complaint that a summerhouse had been erected in the front garden of the Property. Following investigation the complaint was substantiated. A letter was sent to the owner of the Property giving notice of the breach of planning control.
- 3.2 Officers were informed by the owner of the Property that the summerhouse was in temporary use as auxiliary storage space because essential works by London Underground had led to the demolition of a garage at the Property.
- 3.3 The owner advised that she intended to relocate the summerhouse to the original site of the double garage, at the front of the Property. Officers informed the owner that any location forward of the principal building line of the Property would require planning permission.

3.4 The essential works by London Underground are continuing.

4. **Policy and Other Material Considerations**

4.1 Article 3 and Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (“the GPDO”) provide that, within the curtilage of a dwelling house, the provision of any building for a purpose incidental to the enjoyment of the dwelling house is permitted development. However, this is subject to Condition E1. The condition states that development is not permitted where any part of the building would exceed beyond a wall comprised in the principal elevation of the original dwelling house.

4.2 As the summerhouse has not constructed within permitted development criteria it is considered that the development is unauthorised.

4.2 The main planning issue in this case is that the summerhouse is located forward of the principal building line of the Property and looks out of character in the street scene.

4.5 It is regarded that the summerhouse fails to comply with the requirements of policy DC61of the Council’s Local Development Framework Development Control Policies Development Plan Document.

5. **Recommendation for action**

5.1 The owner of the Property has had an opportunity to submit a planning application for the retention of the summerhouse in its current location but has failed to do so. The summerhouse has been in its current location since November 2012 and officers consider it necessary to serve Enforcement Notices in order to protect the Council’s position and to prevent the summerhouse becoming immune from enforcement action.

5.2 It is considered that three months is sufficient time to enable compliance with the requirements of the Enforcement Notice.

IMPLICATIONS AND RISKS

Financial implications and risks:

Enforcement action may have financial implications for the Council.

Legal implications and risks:

Enforcement action, defence of any appeal and, if required, prosecution procedures will have resource implications for the Legal Services.

Human Resources implications and risks:

No implications identified.

Equalities implications and risks:

Section 149 of the Equalities Act 2010 (EA) came in to force on 1st April 2011 and broadly consolidates and incorporates the 'positive equalities duties' found in Section 71 of the Race relations Act 1976 (RRA), Section 49 of the Disability Discrimination Act 1995 (DDA) and section 76(A)(1) of the Sexual Discrimination Act 1975 (SDA) so that due regard must be had by the decision maker to specified equality issues. The old duties under the RRA, DDA and SDA remain in force.

The duties under Section 149 of the EA do not require a particular outcome and what the decision making body decides to do once it has had the required regard to the duty is for the decision making body subject to the ordinary constraints of public and discrimination law including the Human Rights Act 1998.

Having considered the above duty and the Human Rights Act 1998 there are no equality or discrimination implications.

BACKGROUND PAPERS

Site plan