



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

15 March 2012

**Subject Heading:**

**Planning Contravention  
2 Pettley Gardens  
Romford**

**Report Author and contact details:**

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**Policy context:**

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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**

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

2 Pettley Gardens Romford is a mid-terrace house in a road of mainly similar properties. In December 2010 a complaint was received stating that a canopy had been constructed on the boundary and 'in filled' to join a ground floor rear extension and the garage at the end of the garden. A site visit confirmed that a canopy had been constructed connecting the rear extension and rear garage building. The property owner has been contacted and offered the opportunity to submit a retrospective planning application. No application has been received and

the canopy remains in place. The canopy adversely impacts upon the amenity of the adjoining occupier and leaves extremely little amenity space for the occupiers of the dwelling in question. As it has not been possible to overcome the harm caused by negotiation and it is therefore recommended that enforcement action be taken.

## **RECOMMENDATIONS**

That the committee consider it expedient that an Enforcement Notice be issued and served to require, by 3 months:

- (i) Remove the unauthorised canopy connecting the garage to the rear authorised ground floor extension
- (ii) Remove all rubble and building materials resulting in 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**

Two storey mid-terrace dwelling near to the corner of Pettley Gardens and Yew Tree Gardens. This property has a fairly shallow rear garden which has a single storey rear extension and a block of 2 garages at the end. The space in between has been partially covered with the unauthorised canopy running along the shared boundary with 4 Pettley Gardens. It is estimated that over 50% of the available open amenity area is now covered by the canopy in question.

### 2. **The Alleged Planning Contravention**

Without planning permission the erection of a canopy to join an existing ground floor extension and the garages at the end of the garden. Given that this is joined to the authorised extension it cannot be regarded as 'permitted development'.

### 3. **Relevant Planning History**

P0904.97 – 2 storey side extension and pitched roof to side extension; conversion to two dwellings – Approved

4. **Enforcement background**

During February 2011 a site visit was carried out but it was not possible to gain access to the property, however, it was possible to view the unauthorised canopy from Yew Tree Gardens. In March 2011 the property owner was informed by letter that he should either submit a retrospective planning application or carry out remedial works so that the new canopy may be regarded as 'permitted development'. In May 2011 the owner was informed by telephone that the structure requires planning permission. In August 2011 the owner was informed by letter that unless there was prompt progress to overcome this breach of planning control then formal enforcement action would commence. To date no progress has been made given that the property owner appears to be ignoring any attempts to deal with this issue. On 21 February 2012 a final site visit was undertaken to clarify the situation and the canopy remains in place.

5. **Material Considerations of the Use or Development**

The unauthorised canopy gives rise to overdevelopment of this property with a considerable detrimental impact of the already limited amount of amenity space in the rear garden. The extension has created a solid wall in excess of 2 metres in height running along the neighbouring garden, having a detrimental visual impact and loss of outlook for adjoining occupiers.

Given the loss of amenity to both the property occupier and the neighbour this development is contrary to policy DC61 of the LDF.

6. **Justification for Intended Action**

Given that this canopy does not benefit from planning permission and gives rise to a detrimental loss of amenity for both the property occupier and the adjoining neighbour it is deemed expedient that an Enforcement Notice be served.

The unauthorised development was commenced less than 4 years ago and cannot be regarded as permitted development given that it is physically attached to the authorised ground floor extension and also joined to the garages at the end of the garden. It is most unlikely that planning permission would be granted as this canopy gives rise to excessive development of the rear garden and planning conditions could not overcome the problems relating to the loss of residential amenity.

It is therefore recommended that an enforcement notice be served.

**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:**

No implications identified.

**BACKGROUND PAPERS**

*There is a **statutory** obligation to list papers relied on in the preparation of the report, unless:*

- 1 It is an exempt report*
- 2 Papers relied upon are already in the public domain as “published papers”. This can include: books, magazines and newspapers; Government publications; Council publications (including previous reports and minutes of meetings)*