

Committee: PLANNING COMMITTEE

Date of meeting: 27 FEBRUARY 2018

Subject: UNAUTHORISED OPERATIONAL DEVELOPMENT – ERECTION OF A GROUND FLOOR REAR AND SIDE EXTENSION INCLUDING ADDITIONAL FRONT DOOR AND SIDE AND REAR ROOF EXTENSION AT 1 ELM CLOSE, HORSELL, WOKING, SURREY, GU21 4TG

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1. **PURPOSE**

To authorise all necessary action including proceedings in the Magistrates’ Court in respect of breaches of planning control.

2. **RECOMMENDATION**

- (i) Issue an Enforcement Notice in respect of the above land requiring the property to be modified so as to comply with the plans approved under planning permission reference PLAN/2016/0527 and removal of all associated paraphernalia and debris within six months of the date the notice is served.

3. **SITE DESCRIPTION**

The site relates to a two storey terrace residential dwelling as shown on the attached Plan.

4. **PLANNING HISTORY**

PLAN/2016/0527 - Proposed ground floor rear and side extension and loft conversion. Received:- 06 May 2016. Application Permitted 9 September 2016.

PLAN/2017/0616 - Proposed single storey side and rear extension and rear dormer. Received:- 24 May 2017. Application Refused 20 July 2017.

Reasons for refusal: -

- 1. *The intended use of the proposal is unacceptable as the two front doors would allow the property to be made into two independent dwellings which the site could not accommodate as the impact on the character, urban grain, garden size and parking provision would not be unacceptable. The proposal is therefore contrary to policy DM9 of the Development Management Policies Development Plan Document (2016).*
- 2. *The proposal would have an unacceptable impact on the character of the host dwelling and the wider street scene. This would be by way of the mass and bulk of large flat roofed dormer having an unacceptable impact on the character of roof scape; as well as by way of the proposed side extension*

and hip to gable conversion making the property appear cramped, contrived and overdeveloped within the street scene. The proposal is therefore contrary to Section 7 of the National Planning Policy Framework (2012), policy CS21 of the Woking Core Strategy (2012) and Woking Design SPD (2015) and is recommended for refusal.

The difference between the permitted scheme and the refused scheme is that, whilst the former included only a modest single storey extension of height 2.8m and a depth of 2.5m, the latter included a much large dimensions (5.6m high, 7.4m depth) side extension, which includes extending the roof of the property a further 2.5m to the side and including a front door.

5. REPORT

On 30 October 2017 the Planning Officer received a complainant that the works being carried out at No.1 Elm Close was not in accordance to the approved plan bearing reference PLAN/2016/0527.

The Planning Enforcement Officer made a site visit on 31 October 2017 to the adjoining property No.2 Elm Close.

It was evident that No.1 Elm Close was in the process of being extended as per the scheme which was refused planning on 20 July 2017 (reference PLAN/2017/0616), except that the width was 39 centimetres over the building line into the curtilage of No.2 Elm Close. The Planning Officer took several photographs of the rear elevation of the property and from the position that the photographs were taken it was visible that the rear extension at No.1 Elm Close was clearly over the building line when compared with the position of the shared chimney stack.

The Planning Enforcement Officer wrote to the owner on 4 November 2017 setting out the breaches of planning control and advising the only way to remedy the breach was to revert back to the approved plans and complete the works in accordance to the approve planning consent (PLAN/2016/0527).

The Planning Enforcement Officer advised the owner in the letter that any further development work, was done at the owners own risk and if the work were not completed in accordance to planning consent reference PLAN/2016/0527 that the Planning Enforcement Officer would have no choice but to seek authorisation from the Planning Committee to issue an Enforcement Notice.

The owner telephoned the Planning Enforcement Officer on 9 November 2017 to say that he had received the Planning Enforcement Officer email and that the Planning Enforcement Officer was in doubt about the works being done and that there was no problem with the development work at No.1 Elm Close.

It was the Planning Officer opinion that the breach of planning control could not be remedied by the submission of a retrospective planning application given that planning permission had already been refused for an almost identical scheme (PLAN/2014/0616) for the reasons stated earlier in this report.

Furthermore, the single storey ground floor extension has not been built in accordance with what was approved under planning application

PLAN/2016/0527, because it has been partly built within the curtilage of the adjoining property at No.2 Elm Close.

This results in an unneighbourly and overbearing form of development detrimental to the amenity of No.2 Elm Close, contrary to Policy CS21 of the Core Strategy.

In view of the above, it is considered expedient to serve an Enforcement Notice and therefore authority is sought to serve an Enforcement Notice

6. EXPEDIENCY OF TAKING ACTION

Planning Policy Guidance Note 18 – 'Enforcing Planning Control' requires that where the LPA's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations should not be allowed to hamper or delay whatever formal Enforcement Action may be required to make the development acceptable on planning grounds, or to compel it to stop. However, Enforcement Action should always be commensurate with the breach of planning control to which it relates, for example, it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm. The Local Planning Authority must, therefore, determine whether it is expedient to pursue action. It is considered to be expedient to take enforcement action in this case because:-

1. The two front doors allow the property to be made into two independent dwellings which the site could not accommodate as the impact on the character, urban grain, garden size and parking provision would be unacceptable. The proposal is therefore contrary to policy DM9 of the Development Management Policies Development Plan Document (2016).

2. The development has an unacceptable impact on the character of the host dwelling and the wider street scene. This is by way of the mass and bulk of large flat roofed dormer having an unacceptable impact on the character of roof scape; as well as by way of the proposed side extension making the property appear cramped, contrived and overdeveloped within the street scene. The proposal is therefore contrary to Section 7 of the National Planning Policy Framework (2012), policy CS21 of the Woking Core Strategy (2012) and Woking Design SPD (2015).

3. The single storey ground floor has been built partly within the curtilage of the adjacent property, No.2 Elm Close, resulting on an unneighbourly and overbearing form of development detrimental to the amenity of No.2 Elm Close, contrary to Policy CS21 of the Core Strategy.

7. RECOMMENDATION

- (i) Issue an Enforcement Notice in respect of the above land requiring the property to be modified so as to comply with the plans approved under planning permission reference PLAN/2016/0527 and removal of all associated paraphernalia and debris within six months of the date the notice is served.