

**Planning Committee:** 5<sup>th</sup> April 2006

**Item Number:** 24

**Investigation Number:** ENF 489/46/04

**Town/Parish Council:** Leamington Spa

**Case Officer:** Martin Perry  
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**11 St Brides Close, Sydenham, Leamington Spa CV31 1NX**

Unauthorised erection of a timber extension to the existing boundary fence with plastic roofing panels to form covered area to the side elevation of the property.

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**SUMMARY OF REPRESENTATIONS**

In November 2004 it was brought to our attention that the existing side and front timber boundary fence had been extended in height and roofed with plastic sheeting to form an enclosed area to the side elevation of the property which is adjacent to a public footway.

The owner, Mr Jugpal, was contacted and informed that Planning Permission was required as the structure is nearer a highway than the original house. In any event, as the house had previously been extended, the total new build is in excess of 70 cubic metres and therefore would not be Permitted Development

**RELEVANT POLICIES**

[DW] ENV3 Development Principles [Warwick District Local Plan 1995]  
DP1 Layout and Design [Warwick District Local Plan 1996 – 2011 First Deposit Version]

**PLANNING HISTORY**

Planning permission was granted in September 1992 for the erection of a single storey rear extension to provide a kitchen and additional bedroom.

**KEY ISSUES**

**The site and its Location**

The property is part of a terrace of houses and is the end house being adjacent to a public footpath and as such the structure is in full view.

**Assessment**

The development involves the increase in height of the side and front boundary timber fence with the provision of plastic corrugated roofing sheets to fully enclose the area.

The design of the structure combined with materials used makes for a dominant, overbearing structure that does not fit into the general street scene and detracts from the overall layout of the Sydenham Estate.

### **Justification for Enforcement Action**

Mr Jugpal and a member of his family have particular personal medical circumstances and the enclosed covered area is stated to be required in relation to wheelchair access.

Taking into account the personal circumstances every effort has been made to resolve the matter without formal action. Extensive discussions have taken place with Mr Jugpal, James Plaskitt MP and Town Councillor, Mota Singh. Mr Jugpal is reluctant to remove the present unauthorised structure. He has offered to submit a planning application to reduce some of the bulk but the materials were to be as at present and the revised design would not meet the materials and design criteria and was therefore not encouraged.

### **RECOMMENDATION**

The personal circumstances of Mr Jugpal have been taken to consideration but the recommendation is that enforcement action be authorised to ensure that the unauthorised timber structure is removed in its entirety. The period of compliance to be six months.