

**Planning Committee:** 20<sup>th</sup> February 2007

**Item Number:**

**Investigation Number:** ENF 340/33/06

**Town/Parish Council:** Leamington Spa

**Case Officer:** Martin Perry  
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**12 Lydstep Grove, Leamington Spa CV31 1NS**  
Erection of front boundary wall. Property owner Mr Nagra.

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This matter is brought before Committee to request that enforcement action be authorised.

### **BACKGROUND**

In August 2006, it was brought to the attention of the enforcement section that a brick wall had been erected in the front garden area of the property adjacent to the public footway.

The owner, Mr Nagra, was contacted and informed that Planning Permission was required as 'Permitted Development' rights were removed when planning permission was granted for the development on 22<sup>nd</sup> October 1970.

### **RELEVANT POLICIES**

[DW] ENV 3 Development Principles [Warwick District Local Plan 1995]  
DP1 Layout and Design [Warwick District Local Plan 1996 – 2011 Revised Deposit Version]

### **PLANNING HISTORY**

There are no recent planning applications relating to this property.

### **KEY ISSUES**

#### **The site and its Location**

The property is located in the centre of a terrace of houses fronting on to a public footway and open grassed area.

#### **Assessment**

The development involves the erection of a brick wall forming a boundary with the public footway and the adjacent front gardens of No's 11 & 14 Lydstep Grove. It is predominately 60cm high with two 95cm high piers.

The design of the structure combined with the materials used makes for an alien and incongruous structure that does not harmonise with the property or fit into the general street scene.

Mr Nagra has been advised that a retrospective application would not be supported by the planning department.

## **Justification for Enforcement Action**

The situation has been fully explained to Mr Nagra and the representations made on his behalf by James Plaskitt MP, Councillor Kundi and the Asian Community Equality Centre have been taken into consideration. He has been requested to remove the wall but has opted not to do so.

The only option remaining to resolve this breach of planning control is by the service of an Enforcement Notice.

## **RECOMMENDATION**

Enforcement action be authorised to ensure the wall is demolished in its entirety and the materials removed from the land. The period of compliance to be two months.

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