

**Planning Committee:** 20 December 2011  
**Application No:** ENF 095/13/11

**Item Number:** 14

**Case Officer:** Dave Fry  
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**49 Humphris Street, Warwick, CV34 5RA**

Erection of rear raised timber decking area  
Property Owner(s) Mrs L Tan

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This enforcement case is being presented to the committee to request that enforcement action be authorised.

**BACKGROUND**

In April 2011 it was brought to the attention of the enforcement section that a raised timber decking platform had been erected at the rear of the property, a terraced house divided into 2 flats.

The owner, Mrs Tan was contacted and informed that planning permission was required, as flats do not benefit from residential permitted development rights. Also, the present structure was of a height and in a location in relation to adjoining properties that a retrospective planning application to retain it would not be supported because of the impact on the residential amenities of the adjoining residential property.

**RELEVANT POLICIES**

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)  
DP2 - Amenity (Warwick District Local Plan 1996 - 2011)

**PLANNING HISTORY**

W/04/1524 Permission granted for conversion of single dwelling to form 2 flats

**KEY ISSUES**

**The Site and its Location**

The property is a terraced property where the ground level falls away sharply to the rear of the property and consequently any development at the rear is raised above the garden level.

**Assessment**

The development involves the erection of a raised decking platform extending out from the rear of the property from ground to first floor level resulting in the overlooking of rear living areas of the adjoining properties. The design of the

structure combined with the height above ground level makes for a dominant and overbearing feature which also overlooks the adjoining neighbours' gardens. Although some amendment has been made to the structure by removing timber flooring and installing fixed metal railings to prevent access from the flats at the property, the platform still remains in place and could be utilised quite easily by removing the railings and re-laying loose flooring.

### **Justification for Enforcement Action**

Extensive contact has been made with the property owner and despite promises made to remove the structure, it still remains in place. 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 raised decking platform is removed in its entirety and the materials removed from the land. The period of compliance to be one month.

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