

Planning Committee: 27th November, 2012 **Item Number:** **22**
Investigation Number: ENF 101/12/12
Town/Parish Council: **Leamington Spa**
Case Officer: Dave Fry
01926 456522
dave.fry@warwickdc.gov.uk

4, Granville Street, Leamington Spa CV32 5XN

Erection of covered area within rear garden

Owner: Mr. M. Sleddon

This enforcement matter is being presented to Committee to request that enforcement action be authorised.

RECOMMENDATION

That appropriate enforcement action be authorised directed at the permanent removal of the unauthorised covered areas and all associated materials, with a compliance period of 2 months.

BACKGROUND

Unauthorised operational development has been undertaken at this residential property comprising the construction of a timber framework supporting clear translucent plastic roofing over the whole of the external rear garden area attached to the main building and existing boundary treatments.

This enforcement investigation commenced in March 2012 when the issue was first drawn to the Council's attention. During contact with the owner of the property, officers have advised of the need for planning permission and that permission would be unlikely to be granted.

Whilst assurances were given that the unauthorised development would be removed during the summer of 2012 this has not been the case. Subsequently, the owner of the property has stated the intention to retain the structure and has provided receipts for the purchase of translucent roofing materials dated February 2008 in support of his statement that it was constructed over 4 years ago.

RELEVANT LOCAL PLAN POLICIES

National Planning Policy Framework.

DP1: Warwick District Local Plan 1996 – 2011-	Layout and Design;
DP2: Warwick District Local Plan 1996 – 2011-	Amenity;
DAP8: Warwick District Local Plan 1996 – 2011-	Protection of Conservation Areas

RELEVANT PLANNING HISTORY

2001: Planning permission granted for construction of pergola and alterations to existing kitchen roof

KEY ISSUES

The Site and its Location

The property in question comprises a two-storey terraced property, with a small rear garden and garage within a predominantly residential area in the Leamington Spa Conservation Area.

The unauthorised covered areas over and above the works undertaken at the site to implement the planning permission referred to above have been constructed across the whole of the rear garden of the property and are in use for domestic storage purposes.

Assessment

The creation of the covered areas comprises operational development the majority of which does not fall within the permitted development rights of the property such that planning permission is required. Officers are also awaiting the receipt of information from third parties which is understood to evidence their construction less than 4 years ago during the summer of 2009 such that the structures would not be immune from enforcement action.

The National Planning Policy Framework at paragraphs 56 and 57 sets out the importance of good design including in relation to private spaces. Policies DP1 and DP2 of the adopted Local Plan and the adopted residential design guide identifies the need for acceptable standards of amenity for occupiers of development.

The unauthorised covered areas are not visible within the street scene and do not have an unacceptable adverse impact upon the residential amenities of adjoining residential properties. They do however result in the provision of a domestic residential property which does not benefit from any external private amenity space to the detriment of the amenities of future occupants of that property and contrary to Policies DP1 and DP2 of the Local Plan and the Residential Design Guide.

Justification for Enforcement Action

In view of the absence of the voluntary resolution of this matter, the service of an Enforcement Notice is required in order to remedy this situation.
