

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	30 October 2012

## ENFORCEMENT ITEM

**TITLE:** Without planning permission the erection of a detached dwelling house on land at 345 Blackburn Road, Higher Wheelton, Chorley, PR6 8PH

## PURPOSE OF REPORT

1. To seek authority for the serving of an enforcement notice to remedy the harm caused to the character of the area by the unauthorised development. Prior to the service of the notice. If approved, consultation with the Councils Head Governance will be undertaken prior to the service of the notice.

## RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 in respect of the following breach of planning control:

### Alleged Breach

- i. Without planning permission the erection of a detached dwelling house on land at 345 Blackburn Road Higher Wheelton Chorley PR6 8PH.

### ii. Remedy for Breach

- i. Reduce the ridge height of the dwelling house from 9.23 metres to 8.1 metres in accordance with the approved plans attached to planning application 11/00970/FUL.
- ii. The windows on the second floor east and west elevations of the dwelling house are to be removed and fitted with non-opening windows and obscurely glazed shall be with obscure glazing to a minimum obscurity level graded 3 on the Pilkington Level of Obscurity, or an equivalent obscurity level. The windows thereafter to be retained as such.
- iii. Reduce the height of the chimney (including chimney pot) to a height of 8.7 metres.

### Period of Compliance

6 months

### iii. Reason

- i. The planning application 12/00797/FUL was considered at the Planning Committee on 2 October 2012 at which members resolved to refuse planning permission subject to the detailed consideration of the reason for refusal at the Committee meeting on the 30 October 2012. That reason is detailed elsewhere within the agenda. The

reason for refusal forms the reason for the issue of the Enforcement Notice.

## EXECUTIVE SUMMARY OF REPORT

3. Planning permission was granted under application 11/00970/FUL for the erection of a detached dwelling on the land. Complaint was received that the dwelling house was being built higher than approved and a site visit was undertaken where the height was seen not to be in accordance with the approved plans, it was also noted that there had been a number of further alterations not shown on the approved plans. Those alterations being: chimney design and height, reduction in the height and length of the front two storey projection, additional windows to the side elevations and an increase in the number of loft windows to the rear elevation. A retrospective planning application was submitted to regularise the unauthorised development.
4. The retrospective planning application submitted to the Authority, application 12/00797/FUL, was presented to the Development Control Committee on 2 October 2012 where it was resolved to refuse planning permission due to the increased ridge height of the roof. **The exact wording for the reason for refusal was to be reported back to Committee, the wording for the refusal appears within this agenda. When agreed, the reason for refusal will be re-stated on the enforcement notice this report seeks.**
5. The breach in planning legislation that has taken place is the erection of a dwelling house without planning permission and as such the authority are entitled to seek its removal from the land, or, the authority can seek to under enforce and seek to remedy any harm the unauthorised development has caused. In this instance the reason for refusal is the height of the dwelling house which has resulted in significant harm to the character of the area. The harm can be removed through reduction of the ridge height of the roof from 9.23 metres to 8.1 metres as shown on the approved plans submitted under application 11/00970/FUL, approved on 23 December 2011.

<b>Confidential report</b> Please bold as appropriate		<b>No</b>
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<b>Key Decision?</b> Please bold as appropriate		<b>No</b>
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<b>Reason</b> Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

## REASONS FOR RECOMMENDATION(S)

**(If the recommendations are accepted)**

7. To remove the significant harm caused to the character of the area by reduction in the ridge height of the roof from 9.23 metres to 8.1 metres.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. Nil.

## CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	X
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

## BACKGROUND

10. An outline application specifying access, appearance, layout and scale was approved by permission 10/00064/OUT in March 2010. The principle of a dwelling on this site therefore has been established by that permission. A subsequent full planning application, 11/00970/FUL amended the layout and design of the dwelling albeit the height was to be as detailed in the outline, 8.1 metres.
11. The development was not carried out in accordance with the approved plans as submitted under application 11/00970/FUL and a retrospective application 12/00797/FUL was submitted detailing a number of alterations to the development including the raising of the ridge height to 9.23 metres, this application was refused on 2 October 2012.

## IMPLICATIONS OF REPORT

12. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

## COMMENTS OF THE STATUTORY FINANCE OFFICER

13. None.

## COMMENTS OF THE MONITORING OFFICER

14. The actions proposed within the Enforcement Notice will regularise the planning position making the development compliant with the extant permission.

LESLEY ANNE FENTON  
DIRECTOR OF PARTNERSHIPS, PLANNING & POLICY

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
S Aldous	515414	19/10/12	