

**REPORT OF THE STRATEGIC DIRECTOR
TO THE DEVELOPMENT CONTROL COMMITTEE
15th October 2007**

Enforcement Programme

1.0 Introduction and Report Summary

- 1.1 This report informs Members of nine resolved enforcement cases, and seeks the approval of Committee to remove them from the active enforcement list.
- 1.2 The Contact Officer for this report is Paul Yaxley, Enforcement Officer 01235 540352. paul.yaxley@whitehorsedc.gov.uk.

2.0 Recommendations

- (a) *that no further action be taken in the case of unauthorised UPVC Windows at 2-4 Ock Street, Abingdon, OX14 5AH, ABG/8129/11-LB, and the case be removed from the active enforcement list.*
- (b) *that no further action be taken in the case of a 2 metre high fence adjacent to the highway at 22 Woodhill Drive, Grove, Wantage, OX12 0DF, GRO/14616/2-E, and the case be removed from the active enforcement list.*
- (c) *that no further action be taken in the case of a 2 metre high fence adjacent to the highway at 5 Collett Way, Grove, Wantage, OX12 0NT, GRO/8665/2-E, and the case be removed from the active enforcement list.*
- (d) *that no further action be taken in the case of an unauthorised summerhouse/games room at 5 Norman Avenue, Abingdon, OX14 2HQ, ABG/19058/3-E, and the case be removed from the active enforcement list.*
- (e) *that no further action be taken in the case of unauthorised works to the former Air Balloon Public House (a Grade II Listed Building) at 169 Ock Street, Abingdon, OX14 5DW, ABG/4771/8-E, and the case be removed from the active enforcement list.*
- (f) *that no further action be taken in the case of an unauthorised business use and compound in the domestic garden at 104 West Way, Botley, Oxford, Oxon, OX2 9JU, NHI/18265/1-E, and the case be removed from the active enforcement list.*
- (g) *that no further action be taken in the case of an unauthorised business use and compound in the domestic garden at 106 West Way, Botley, Oxford, Oxon, OX2 9JU, NHI/16911/4-E, and the case be removed from the active enforcement list.*
- (h) *that no further action be taken in the case of an unauthorised basement extension at Cubs Puddle, Millway Lane, Appleton, OX13 5LD, APT/16711/3-E, and the case be removed from the active enforcement list.*

- (i) that no further action be taken in the case of unauthorised window openings and a two storey garage/playroom tower at 10 Hids Copse Road, Cumnor Hill, Oxford, OX2 9JJ, CUM/18082/3-E, and the case be removed from the active enforcement list.

3.0 Relationship with the Council's Vision, Strategies and Policies

- 3.1 The content of this report is in line with objectives A, C and D of the Council's Vision Statement.
- 3.2 This report relates to Enforcement Strategies 13, 14, 15 and 16 and complies with Enforcement Policies E2 and E3.

4.0 Mr Wall & Mr Forrester, 2-4 Ock Street, Abingdon, OX14 5AH, ABG/8129/11-LB

- 4.1 Enforcement was authorised to secure compliance with Condition 2 of ABG/8129/11-LB by Committee on 14th August 2006. Condition 2 of ABG/8129/11-LB stated;

"Prior to the commencement of any works hereby permitted, full details of the proposed windows units and railings shall be submitted to, and approved in writing by, the District Planning Authority"

- 4.2 The works have now been completed and windows replaced to the approval of the Conservation Officer. As such the condition has now been satisfactorily complied with as the photograph dated 6th July 2007 (attached as **Appendix 1**) shows.
- 4.3 It is recommended that this case be removed from the active enforcement list.

5.0 Mr & Mrs Stallard, 22 Woodhill Drive, Grove, Wantage,OX12 0DF, GRO/14616/2-E

- 5.1 Enforcement was authorised by Committee on 31st July 2000 to secure compliance with Condition 4 of 203/72 (the original permission for Phase III of Grovelands Park Estate) which states;

"No building, wall, fence or hedge or other form of enclosure shall be erected or placed on land lying in front of the building line of any dwelling "

- 5.2 During the course of the drafting of an enforcement notice for this case the site has been revisited by the Area Planning Officer and the Enforcement Officer and it is felt that it would be very difficult to defend the issuing of a notice at appeal there are other fences in existence in the vicinity which are as equally prominent. It is not now considered expedient to take enforcement action for breach of condition in this particular instance.
- 5.3 It is recommended that this case be removed from the active enforcement list.

6.0 Mr & Mrs A Bevan, 5 Collett Way, Grove, Wantage, OX12 0NT, GRO/8665/2-E

- 6.1 Enforcement was authorised by Committee on 31st July 2000 to secure compliance with Condition 7 of GRO/8665 which states;

“No walls or fences should be erected to a height of over 300 millimetres (with the exception of walls in brickwork to match the dwelling in which case the limits shall be at 600 millimetres in height) in any of the areas coloured green on the approved plan (drawing number 86/5C) unless planning permission is granted to an application in that behalf.”

6.2 Subsequent to this Committee decision the owners have relocated the fence approximately 1 metre further from the highway and have planted a substantial Leylandii hedge between it and the highway. In the same road there are a number of other instances where this particular condition has been breached. It is therefore not considered expedient to take enforcement action for breach of condition in this particular instance.

6.3 It is recommended that this case be removed from the active enforcement list.

7.0 Mr Drewett, 5 Norman Avenue, Abingdon, OX14 2HQ, ABG- 19058/3-E

7.1 Enforcement action was authorised by Committee on 14th August 2006 to secure the removal of the unauthorised games room/summerhouse in the rear garden of 5 Norman Avenue that was built without planning permission or the benefit of ‘permitted development’ rights.

7.2 The owner subsequently made a retrospective planning application to retain the building with some design alterations. Permission was granted on 27th November 2006.

7.3 The building has been checked and is built in accordance with notice of permission ABG/19058/2. Therefore it is recommended that this case be removed from the active enforcement list.

8.0 Thomas and Co. Ltd. The Air Balloon PH, 169 Ock Street, Abingdon, OX14 5DW, ABG/4771/8-E

8.1 Enforcement action was authorised by Committee on 22nd December 2003, to commence legal proceedings for the prosecution of alleged offences under the Planning (Listed Buildings and Conservation Areas) Act 1990 committed in respect of the former Air Balloon public house at 169 Ock Street, Abingdon.

8.2 The conversion works are now complete and following inspection it is considered by Officers that the works have been carried out to an acceptable standard without harming the building’s special historic or architectural character.

8.3 Therefore it is recommended that this case be removed from the active enforcement list.

9.0 Mr & Mrs Bickford, 104 West Way, Botley, Oxford, OX2 9JU, NHI/18265/1-E

9.1 Enforcement action was authorised by Committee on 14th March 2005 to cease the unauthorised business use of a compound, part of the domestic garden, to the rear and north of 104 West Way, Botley.

9.2 A Planning Contravention Notice was sent to Mr and Mrs Bickford on 21st April 2005 to which a response was received on 16th May 2005. Since that time Officers have continued to monitor the site and are satisfied that the unauthorised use has ceased and the area has now been returned to domestic garden.

9.3 It is therefore recommended that this case be removed from the active enforcement list.

10.0 Mr & Mrs Bickford, 106 West Way, Botley, Oxford, OX2 9JU, NHI/16911/4-E

10.1 As in the case above, a report was presented to Committee on the 14th March 2005 and authority was given to take enforcement action to cease the unauthorised business use of a compound.

10.2 Mr and Mrs Bickford responded to a Planning Contravention Notice issued 21st April 2005, on the 16th May 2005. Since that time Officers have continued to monitor the site and check the remedial works undertaken to return the area to domestic garden. The areas to the rear of both 104 and 106 are now clearly gardens, with the garages and hardstanding area to the rear of 106 West Way being used by the occupier of the ground floor flat.

10.3 It is therefore recommended that this case be removed from the active enforcement list.

11.0 Mr J McDonnell, Cubs Puddle, Millway Lane, Appleton, OX13 5LD, APT/16711/3-E

11.0 Enforcement action was authorised by Committee on 27th October 2003 to prevent any use of an unauthorised basement extension.

11.1 With the passage of time Officers are of the opinion that the void is neither a habitable or usable space. To date it has not been used as such. Whilst there is a volume in the void, it is unused and as it is underground it does not impact on the visual amenity of the area, or the openness of the green Belt. Officers consider that it would not be in the public interest to pursue enforcement action in this particular case.

11.2 It is therefore recommended that this case be removed from the active enforcement list.

12.0 Mr C Pugh, 10 Hids Copse Road, Cumnor Hill, Oxford, OX2 9JJ, CUM/18082/3-E

12.1 Committee resolved to take enforcement action on 26th September 2005 to secure the blocking up of two unauthorised window openings and the reduction in size of the two storey garage/playroom tower to accord with approved plans relating to Permission CUM/18082/1.

12.2 An Enforcement Notice issued on the 11th January 2006 was appealed and a copy of the Inspector's split decision and costs letters, dated the 24th August 2006, are attached as **Appendix 2**.

12.3 A site visit on 19th September 2007 has shown that the windows allowed on appeal remain and that the tower playroom has been reduced in size in accordance with the requirements of the Enforcement Notice CUM/18082/3-E. (photos attached as

Appendix 3) Your Officers, therefore, are satisfied that the notice has been fully complied with.

- 12.4 It is therefore recommended that this case be removed from the active enforcement list.

RODGER HOOD
DEPUTY DIRECTOR (PLANNING AND COMMUNITY STRATEGY)

TIM SADLER
STRATEGIC DIRECTOR