

DECISION-MAKER:	PLANNING AND RIGHTS OF WAY PANEL		
SUBJECT:	ENFORCEMENT ACTION AT 106 WATERLOO ROAD		
DATE OF DECISION:	20 AUGUST 2013		
REPORT OF:	PLANNING AND DEVELOPMENT MANAGER		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY
NOT APPLICABLE

BRIEF SUMMARY

Concerns have been raised regarding a lack of Enforcement Action in relation to the site at 106 Waterloo Road.

Based on an assessment by officers, it is not considered expedient to take further action at the current time, pending the outcome of further works agreed with the owner of 106 Waterloo Road.

RECOMMENDATIONS:

- (i) Take no further action at this time.
- (ii) Await the decision issued under planning application reference 13/00678/MMA and the completion of any works which may be approved under that application, at which point a further assessment will be made as to the expediency of further enforcement action.

REASONS FOR REPORT RECOMMENDATIONS

1. The areas in which the applicant has failed to comply with the approved plans are not considered to represent significant harm in planning terms (with the main areas of contention lying outside the remit of the planning system) when compared to the original and previously approved situation, except where addressed under planning application reference 13/00678/MMA.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. An Enforcement Notice could be issued, requiring the removal of the unauthorised development.

DETAIL (Including consultation carried out)

3. On 9th May 2011, planning application reference 11/00441/FUL for the 'Conversion of existing 4 bedroom house to three flats (comprising 1 x 3 bedroom, 1 x 2 bedroom and 1 x 1 bedroom) with replacement single storey rear extension, bin and cycle storage' was conditionally approved, following the statutory consultation period.
4. On 29th June 2012, planning application reference 12/00457/FUL for 'Erection of a part first floor part single storey rear extension to facilitate conversion of existing 4-bed house into 5 flats (comprising a 1x3-bed, 2x2-bed, and 2x1-bed) with associated cycle/refuse storage' was conditionally approved, following the statutory consultation period.
5. An Enforcement Officer first visited the site on 6th December 2012 in response to an enquiry from a local councillor (on behalf of a local resident). A further site visit took place on 10th December 2012, once full access to the site had been arranged.
6. During these visits it was noted that the development had not been implemented wholly in accordance with the approved plans. In particular the side extension element had been extended to immediately abut the neighbouring property at 104. The approved side extension has a width of 1.2m, whereas the extension as built has a width of 1.4m. This has involved the attaching of flashing onto the adjoining property. There are a number of other variations from the approved plans in terms of the design and depth of the side element as constructed (please see Appendix 1 for the approved plans and Appendix 2 for photographs of the development as constructed).
7. The scheme had also raised the roof height of the single storey rear element of the scheme by ~1m, directly along the boundary with the property at number 104 (please see Appendix 3 for photographs of the development as constructed).
8. It is noted that some of the works completed potentially involved boundary dispute and Party Wall issues, which fall outside the remit of the Planning system.
9. Side extension
Overall, taking into account the set back from the front of the property and the single storey nature of the side element, it is not considered that the side extension as built would have an overbearing or overshadowing impact on the neighbouring property, introduce a terracing effect or otherwise have a significant impact on the character of the host dwelling within the street scene. The side element as built does adjoin the neighbouring property; however this is a relatively typical situation for residential properties and is not considered to intrinsically represent a harmful form of development in planning terms, whilst accepting that performing such works without the full support of the affected landowner is not best practice. As this element of the development is acceptable, it is recommended that it is not expedient to take further action.

10. Ridge height
The raising of the ridge height of the rear element by 1m on the boundary, running most of the length of the garden, was considered to result in the creation of a potentially harmfully overbearing form of development requiring further assessment and hence it would be expedient to take enforcement action in respect to this aspect.
11. An Enforcement Officer requested that the development either be built as per the approved plans or an application submitted to regularise the breach of planning control.
12. An application has been submitted under planning application reference 13/00678/MMA for an amended roof design on the section to the rear. The roof height will be reduced on the boundary to the previously approved height, however the roof shape will be amended to contain a flat roof element (please see Appendix 4 for a copy of the submitted plans). This application does not address any of the issues surrounding the side element and the submitted plans match the previously approved plans in this regard.
13. Based on the points raised above, provided that the element to the rear is constructed in accordance with the amended plans submitted under planning application reference 13/00678/MMA, it is not considered expedient to pursue further enforcement action in relation to the issues discussed, notwithstanding the remaining concerns regarding the development which fall outside the purview of the planning process. A timescale can be used when determining application 13/00678/MMA to set the timescale for the works to be resolved.

RESOURCE IMPLICATIONS

Capital/Revenue

14. There are no financial implications to the recommendations of this report.

Property/Other

15. There are no implications for Council assets as a result of the recommendations of this report.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

16. As per the regulations of Town and Country Planning Act 1990, the Local Planning Authority should only take enforcement action where it is considered expedient to do so, with reference to policy and other material considerations.
17. In the current circumstances it is not considered expedient to take action and therefore no further enforcement action is recommended at this time.

Other Legal Implications:

18. None

POLICY FRAMEWORK IMPLICATIONS

19. None

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Freemantle Ward
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SUPPORTING DOCUMENTATION

Appendices

1.	Approved plans for application 12/00457/FUL for 'Erection of a part first floor part single storey rear extension to facilitate conversion of existing 4-bed house into 5 flats (comprising a 1x3-bed, 2x2-bed, and 2x1-bed) with associated cycle/refuse storage' at 106 Waterloo Road
2.	Photos of the side element as constructed
3.	Photos of the rear element as constructed
4.	Copy of the plans submitted under application 13/00678/MMA for 'Minor material amendment application for planning application 12/00457/FUL (condition 2) for raising of the rear roof height (retrospective)' at 106 Waterloo Road

Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at: Gateway, One Guildhall Square, Southampton

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	City of Southampton Local Plan Review March 2006.	
2.	Documents for: Planning permission number 11/00441/FUL Planning permission number 12/00457/FUL Planning application number 13/00678/MMA	Either by Public Access website or by appointment

Report Tracking

VERSION NUMBER:	1.1
DATE LAST AMENDED:	05/08/13
AMENDED BY:	Johnathan Fanning