

DECISION - MAKER:	PLANNING AND RIGHTS OF WAY PANEL
DATE OF DECISION:	22 December 2009
SUBJECT:	31 EASTFIELD ROAD
REPORT OF:	HEAD OF PLANNING AND SUSTAINABILITY IN CONSULTATION WITH THE SOLICITOR TO THE COUNCIL
AUTHOR AND CONTACT DETAILS:	Karl Collymore Enforcement Officer karl.collymore@southampton.gov.uk
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1. RECOMMENDATION(S)

That the Panel consider issues regarding 31 Eastfield Road and note the officer's recommendation that no enforcement action is taken in respect of the increase in roof height of no more than 100mm above the approved height as detailed on Drawing No. 08-31ER-002c attached to planning permission no. 09/00403/FUL for a single storey rear extension.

2. STATEMENT OF REASONS FOR APPROVING THE REPORT RECOMMENDATIONS

Not expedient to pursue enforcement action in respect of a breach of planning control. The increase in roof height does not impinge on the satisfactory outlook and natural light enjoyed by neighbouring properties and avoids overshadowing.

The increase in height is modest in nature taking into account the existing two storey extension.

If an application was submitted seeking consent for an increase in height of not more than 100mm it would be likely to recommend that planning permission be granted.

3. STATEMENT OF ALTERNATIVE OPTIONS CONSIDERED

That the Solicitor to the Council be authorised to serve an Enforcement Notice requiring that the roof is lowered by 100mm.

The period of compliance would be 28 days from the date of the Notice taking effect but authority be delegated to the Development Control Manager to extend the compliance period in appropriate circumstances. In the event that the Notice takes effect and of non-compliance with the Notice proceedings could be authorised in the Magistrates Courts against the persons responsible.

4. COMMUNITY IMPLICATIONS AND WARDS AFFECTED

Portswood

5. SUMMARY

This report establishes that the works carried out on site are not in accordance with the planning approval. However, the discrepancy between the 'as built' and the 'approved plans' is minor and would be unlikely to warrant the taking of formal enforcement action as no harm has been caused due to the discrepancy identified.

6. BACKGROUND

Planning permission number 09/00403/FUL was granted consent by Panel on 26 June 2009 allowing for the erection of a single storey rear extension.

A complaint was received in September 2009 by the occupier of 33 Eastfield Road advising that the height of the single storey rear extension was too high.

An Enforcement Officer visited the site and advised the builder that the extension had to be lowered by approximately 400mm, these works were carried out straight away.

An Enforcement Officer contacted the occupier of 33 Eastfield Road to advise that the brickwork to extension had been lowered and the occupier of 33 Eastfield Road accepted that the works had been carried out to their satisfaction.

The occupier of 33 Eastfield Road contacted an Enforcement Officer to say that since the roof has been constructed the height of the building remains higher than that approved by the Local Planning Authority.

An Enforcement Officer visited the site with a Building Control Surveyor and the height was measured at approximately 100mm over the approved height. The Building Control Surveyor advised that the timbers used and design were recommended to meet Building Regulations.

The Power to issue an Enforcement Notice is entirely discretionary and is only to be used if the Local Planning Authority considers it expedient to do so taking into account the provisions of the Development Plan.

7. POLICY FRAMEWORK IMPLICATIONS

The report and its recommendations are consistent with the policies of the City of Southampton Local Plan 2006.

8. LEGAL IMPLICATIONS

There is a right of appeal to the Secretary of State against the issue of an Enforcement Notice. If an appeal is received the Notice will not take effect until the appeal is determined.

9. FINANCIAL IMPLICATIONS

There are no financial implications of the report or recommendation.

10. CONSULTATION AND CONCLUSIONS

The developer and complainants have been notified of this report.

BACKGROUND PAPERS

Title of Background Paper	Relevant Paragraph of AIP Rules allowing document to be Exempt/ Confidential (if applicable)
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- Documents available for inspection at: Gateway Southampton
- The report and its recommendations are consistent with the policies of the City of Southampton Local Plan 2006.