

Planning Committee – 10 February 2010

Report of the Growth and Development Manager

Enforcement Item

1. **File/Complaint Number** E0296/06/09
2. **Location of Site** 139 Darby Way, Bishops Lydeard. TA4 3BE.
3. **Names of Owners** Local Authority owned property.
4. **Names of Occupiers** Mr Giorgi
5. **Nature of Contravention** Unauthorised shed/workshop and fence
6. **Planning History** It was brought to the attention of the Enforcement Section by TDBC Housing that the occupier of the above property has erected a structure to the side of the property. A large lean – to shed/workshop has been constructed along the boundary with 141 Darby Way together with a makeshift fence. This fence in parts measures over 2m in height. The property is a purpose built flat and as such does not enjoy permitted development rights. Therefore the erection of the shed requires planning permission, as does the fence due to its excessive height. The occupier has been contacted and an application requested but to date no application has been forthcoming. The materials used for both structures are somewhat makeshift which has an adverse effect on the adjoining neighbours garden and outlook.
7. **Reasons for taking Action** It is considered that the materials used in the construction of the shed and fence are such that the overall appearance has a detrimental effect on the amenity of the neighbouring property. The height of the fence due to its close proximity to the neighbouring property is overbearing on what is a relatively small amenity area for the dwelling.
8. **Recommendation** The Solicitor to the Council be authorised to serve an Enforcement notice to secure the removal of the shed and to reduce the height of the fence to no more than 2m. To seek prosecution action subject to satisfactory evidence being obtained that the notice has not been complied with. Therefore the development is contrary to the Taunton Deane Local Plan policies S1 (General Requirements), S2 (Design) The development, if allowed to remain is likely to encourage similar proposals in respect of other land in the vicinity which might then be difficult to resist, the cumulative effect of which, if permitted, would further detract from the character and amenities of the area.

In preparing this report the Planning Officer has considered fully the Implications and requirements of the Human Rights Act 1998

CONTACT OFFICER: Mr John A W Hardy Tel: 356466