

E/0072/38/10

UNTIDY SITE AT 18 HOVELAND LANE, TAUNTON

OCCUPIER:

OWNER: MR. C. STONE
18 HOVELAND LANE, TAUNTON, TA1 5DE

PURPOSE OF REPORT

To consider whether it is expedient to serve a Notice under Section 215 of The Town and Country Planning Act 1990 requiring the gardens to be tidied and the fabric of the dwelling to be repaired

RECOMMENDATION

The Solicitor to the Council be authorised to serve a Notice under section 215 of the Town and Country Planning Act 1990 and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Notice shall require :

- The overgrown vegetation be removed from the front garden area and garden left in a tidy condition.
- The plastic bags partially filled with rubbish be removed from the driveway and porch.
- Repairs carried out to the fabric of the dwelling to prevent further deterioration which would detract further from the visual amenities of the area.

Time for compliance 4 months from the date on which the notice takes effect.

SITE DESCRIPTION

Hoveland Lane is a narrow lane in the residential area of Galmington. It is accessed via Galmington Road initially passing through Hoveland Crescent and then looping back with Galmington Road. The property is in an elevated position set back from the highway by approx 8m. The dwelling is one of a pair of semi detached properties built approx 1930 - 40. The property has a hipped tiled roof, rendered walls and bay windows on ground and first floors to the front elevation.

BACKGROUND

A complaint was received in 2010 concerning the condition of the garden and fabric of the house. The concern was the affect the condition of the property had on the neighbouring attached property and the infestation of vermin. The property was visited and contact made with the owner. The option open to the Local Planning Authority would be to serve a Section 215 notice. The matter was discussed with the owner and complainant and it was decided in the first instance to draw up a schedule of urgent works to be carried out in order to avoid the notice being served. This included the following -

1. Clear all overgrown Brambles, Shrubs and other overgrown plants in the front garden, especially those along both the west and East boundaries.
2. Clear the access onto Hoveland Lane to obtain an acceptable visibility to afford

safe exit and egress from the property.

3.Remove the blue plastic sacks stacked against the West side of the property.

4.Make good any holes in the windows and doors to prevent infestation by animals, birds or insects.

5.Make good and repair any defective rainwater goods to prevent the potential risk of flooding neighbouring properties.

The owner had recently retired so was happy that the tasks could be completed. A commencement was made but unfortunately the work was not completed. A visit was made in May 2011 where it was seen that there was little improvement so further letters were sent but no reply was received.

The condition of the garden and dwelling has been allowed to deteriorate further to a point where the adjoining property has had to engage professionals to deal with the infestation of vermin. The condition of the site is now so poor that the service of a 215 Notice is the only option available to the Local Planning Authority to secure the improvements needed so as not to be detrimental to the visual amenities of the neighbouring property and surrounding area

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The condition of the garden both front and rear together with the condition of the fabric of the dwelling house is considered to be detrimental to the visual amenities of the surrounding area. The maintenance or lack of to the property is considered to cause harm to the adjoining property with the possibility of infestation of vermin, structural instability and ingress of water which would be detrimental to the enjoyment of the neighbouring property and to a lesser extent surrounding properties.

RELEVANT PLANNING HISTORY

No planning history for the property

RELEVANT PLANNING POLICES

National Planning Policy Framework

Enforcement (paragraph 207)

Taunton Deane Core Strategy

Policy DM1

DETERMINING ISSUES AND CONSIDERATIONS

The consideration in this case is the visual impact of the site from public vantage points and whether the impact is such that action is appropriate. The impact of the site from the road is therefore the issue.

The front garden of the property is overgrown and vegetation is partially screening the bay window which is in a poor state of repair with render peeling away and the window frames are rotting out. Some of the side windows are also in a poor state of repair. There are also rubbish bags piled along the driveway and also piled in the porch. The area of the drive in particular is unsightly and is considered to detract

from the residential amenity of the area.

It is considered that the property in its current state does detract from the amenity of the area and a notice to secure improvements is appropriate and necessary.

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

PLANNING OFFICER: Mr G Clifford

PLANNING ENFORCEMENT OFFICER: Mr J A W Hardy

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