

## **Planning Committee – 18 November 2009**

### **Report of the Growth and Development Manager**

#### **Enforcement Item**

##### **Parish:**

- |           |                                |                         |
|-----------|--------------------------------|-------------------------|
| <b>1.</b> | <b>File/Complaint Number</b>   | E370/38/2005            |
| <b>2.</b> | <b>Location of Site</b>        | 1 Trevett Road, Taunton |
| <b>3.</b> | <b>Names of Owners</b>         | Mr and Mrs Mogg         |
| <b>4.</b> | <b>Name of Occupiers</b>       | Property is rented      |
| <b>5.</b> | <b>Nature of Contravention</b> |                         |
- Provision of raised decking area

## **6. Planning History**

A complaint was received in November 2005 that a large decking area had been constructed at first floor level. The owners were informed that planning permission was required but delayed in submitting an application until January 2006. Members will recall that authorisation to take enforcement action was given on 17<sup>th</sup> May 2006. The notice was served on 23<sup>rd</sup> June 2006 but was not complied with. The owners decided to appeal against the refusal of planning permission following discussions with the Planning Officer. The appeal was subsequently dismissed on 6<sup>th</sup> December 2006. The Inspector intimated that if modifications were carried out to the structure it may be more acceptable. Discussions took place again between the owners and the Planning Officer and a further Planning application was submitted in February 2007 incorporating modifications. In fact the works were carried out prior to the application being submitted. This involved provision of timber fencing, a trellis and planting. This application was subsequently refused on 12<sup>th</sup> March 2007.

The main concerns are the effect the structure has on the character and appearance of the area and on the living conditions of the occupiers of 127 Galmington Road. The owners have since moved to Spain and have let the property. Mrs Mogg flew over for a visit and whilst here met with the Enforcement Officer to discuss what needs to be done about the structure. As the notice has not been complied with the Local Authority has two courses of action:

- (1) take prosecution action for non-compliance with the enforcement notice which has already been authorised and
- (2) instigate direct action to remove the structure in compliance with the notice.

Mrs Mogg stated that it was impossible for her to arrange to remove the structure as she was flying back to Spain. She was informed that if the Local Authority removed the structure there would be a charge put on the property so that when it was sold the Authority would recoup the cost of the works. She was quite happy for that to happen.

## **7. Reasons for Taking Enforcement Action**

The development has been the subject of two refused planning applications, an enforcement notice and a dismissed appeal. There is still an adverse visual impact when viewed from Trevett Road and an adverse impact on the neighbour due to overlooking from the steps to deck.

## **8. Recommendation**

Members are asked to authorise direct action to demolish the unauthorised structure.

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

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