

PLANNING COMMITTEE – 20 APRIL, 2005

Report of the Development Control Manager

ENFORCEMENT ITEM

Parish: Wiveliscombe

1. **File/Complaint Number** 49/2004/067 - E31/49/2005
2. **Location of Site** The Manse, Ford Road, Wiveliscombe
3. **Names of Owners** Mr G & Mrs J Coate, Lorna Doon, Ford Street, Wellington, TA21 9PE
4. **Names of Occupiers** Site under construction
5. **Nature of Contravention**

Possible non-compliance with approved plans.

6. **Planning History**

Planning permission was granted on 29 November, 2004 for the erection of two detached dwellings. Detailed plans indicated that the dwelling sited to the east of the site was to be a minimum distance of 7 m from the rear boundary fence of No. 20 Lion D'Angers. When the construction of this dwelling commenced it was noticed that the distance from the dwelling to the boundary fence was approximately 5.8 m. The Contractor was informed and said that it was possibly due to the garage to The Manse being plotted incorrectly and has caused the building to be slightly out of position. A request for a minor amendment was made and the contractor informed that it would be in his interest not to carry out any further work on the plot until the matter has been resolved. No amendment was received and work progressed on constructing the dwelling. A site visit was made and the measurement checked and again a request was made for the amendment. The Contractor contacted the Council on 31 March confirming that the amendment would be submitted the following week but to date nothing has been received and the work continues on building the dwelling.

7. **Reasons for taking Action**

It is considered that the dwelling sited closer than the stated 7 m would have an overbearing effect on the neighbouring property and would be detrimental to the amenities of both 20 and 22 Lion D'Angers

8. **Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and take prosecution action subject to satisfactory evidence being obtained should the notice not be complied with.

In preparing this report the Planning Officer has considered fully the implications

and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr J A W Hardy Tel: 356479