

Committee: Development Control

Date: 26 April 2004

Agenda Item No: 6

Title: Enforcement of Planning Control – Land at 22 Windmill Close, Great Dunmow
Interest in land: Mr R J Reynolds

Contact: Mr I Pigney (01799) 510459

Introduction

- 1 This report concerns an earlier refusal of planning permission for the retention of a balcony on the rear elevation of a dwelling. The report recommends that enforcement and, if necessary, legal action be taken to cause the removal of the balcony.

Notation

- 2 Adopted plan: Within Town Development Limits.

Relevant History

- 3 Two storey front and rear extensions and side garage extension to replace existing garage approved 1994. Erection of single side and rear extension approved 1998. Retention of balcony and single storey rear extension refused 2003 (application subject of this report).

Site Description

- 4 The property is a detached dwelling located in a cul-de-sac of 25 dwellings. To the rear of the property is open land.

Background and Recommendation

- 5 This matter first came to the attention of the Council through an enforcement investigation in October 2002. An application for the retention of the unauthorised works was refused on 4 August 2003 as it was considered the proposal would be unacceptable because the retention of the balcony would result in an adverse amount of overlooking of, and loss of privacy, which would be detrimental to the residential amenity of adjoining occupiers, contrary to Policy DC14 of the 1995 Adopted District Plan and Policy GEN4 of the Emerging District Plan Revised Deposit Draft October 2002.

Following refusal of planning permission, the applicant was advised that the balcony should be removed. However, to date he has not responded to these requests and the balcony has not been removed.

RECOMMENDED that enforcement action and, if necessary, legal proceedings, be taken to secure the removal of the balcony.

Background papers: Enforcement files No: ENF/191/02/D and Planning Application files No: UTT/0323/03/FUL.

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Date: 26 April 2004

Agenda Item No: 7

Title: Appeal Decisions

Contact: John Mitchell (01799) 510450

APPEAL BY	LOCATION	APPLICATION NO	DESCRIPTION	APPEAL DECISION & DATE	DATE OF ORIGINAL DECISION	SUMMARY OF DECISION
Mr David H Lamb	Howe Green Moat Farm Great Hallingbury	UTT/0186/03/FUL	Appeal against a condition relating to access to the adjoining property imposed on planning permission for change of use of agricultural building to stables and construction of new access	16 Mar 2004 ALLOWED	16 Dec 2002	The Inspector concluded that the condition duplicated other legislation and was not necessary
Keith Edgeworth and Loraine Edgeworth	9 Harrisons Birchanger Hertfordshire	UTT/1083/03/FUL	Appeal against refusal to grant planning permission for the building of a single garage to the front of the house	17 Mar 2004 DISMISSED	19 Jun 2003	The Inspector concluded that the garage would be intrusive in the street scene
Mr & Mrs D Nicolic	Courtlands Station Road Felsted	UTT/0540/03/FUL	Appeal against refusal to grant planning	26 Mar 2004 ALLOWED	27 Mar 2003	The Inspector concluded that the effect on the character and

			permission for a proposed new design to previous consent UTT/0720/02/FUL – Plot 1 only			appearance of the area, and the amenity of the occupiers of the adjoining property would be satisfactory
M S Ulph	The Old Vicarage Grange Lane Little Dunmow	UTT/1299/03/OP	Appeal against refusal to grant planning permission for a single dwelling house	23 Mar 2004 ALLOWED	22 July 2003	This is an unusual case where the site is within development limits in the ADP but outside in the DLP. The inspector gave no weight to the emerging DLP, despite the fact that the Inspectors Report confirming deletion of the site from the settlement limit had been received before her decision was issued. It is not unreasonable to expect one branch of the Inspectorate to talk to the other. The decision is most regrettable