

**PLANNING
COMMITTEE**

25th May 2011

ENFORCEMENT REPORT

ENFORCEMENT CASE DETAILS:

**2009/351/ENF ALLEGATION: NON-COMPLIANCE WITH AN
ENFORCEMENT NOTICE**

LOCATION: PATCH LANE, OAKENSHAW, REDDITCH

WARD: HEADLESS CROSS AND OAKENSHAW

The author of this report is Iain Mackay, Planning Enforcement Officer, who can be contacted on extension 3205 (email: iain.mackay@bromsgroveandredditch.gov.uk) for more information.

(See additional papers for site plan)

Site Description

The property consists of a two-storey end terrace dwelling in Patch Lane. The side elevation faces on to the rear gardens of adjacent properties in Patch Lane which run at right angles to it.

Relevant Site Planning History

There is no relevant planning history.

Investigation Details

30.12.2009:

Following complaints, the Council were made aware that a clearly glazed window had been inserted into the gable end side elevation of the property at first floor level. Windows inserted at first floor level which are not obscurely glazed require the benefit of planning permission. In this particular case, the window directly overlooked the bedrooms and gardens of properties which faced on to it and the visiting Enforcement Officer considered that planning permission was unlikely to be forthcoming.

01.03.2010:

The owner of the property was identified, and using delegated powers, a planning contravention notice was issued and a copy served upon him.

03.03.2010:

The contravention notice was returned along with an assurance that a replacement window was on order.

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24.05.2010:

When nothing further was heard, enquiries by the investigating Enforcement Officer revealed that the property had been re-possessed by the mortgagee and the premises were vacant.

08.12.2010:

Having established that the property had now been sold, and that tenants were in the process of moving in, an Enforcement Notice was issued using delegated powers and copies were served on all persons with an interest in the land. The Notice required that the existing clear glazed window be removed and replaced with an obscurely glazed window. The notice gave the owners 3 months in which to comply.

30.03.2011:

Following the expiry of the compliance period, a site visit confirmed that the window had not been replaced and that the Enforcement Notice was being breached.

08.04.2011:

A warning letter was sent to the owner seeking the works to be completed as a matter of urgency. To date, no response has been received.

Conclusion

The situation with regard to this window continues to draw complaints, particularly due to the overlooking problem.

As the new owners are a limited company which has steadfastly refused to communicate with the Council, Officers consider that prosecution is the most appropriate action in this matter to secure a resolution.

There are no financial, community safety or risk implications in this report.

Recommendation

The Committee is asked to RESOLVE that

in relation to a breach of planning control, namely, the failure to comply with the requirements of an Enforcement Notice, authority be delegated to the Head of Legal, Equalities and Democratic Services, in consultation with the Head of Planning and Regeneration, to instigate legal proceedings in the Magistrates Court, if necessary.