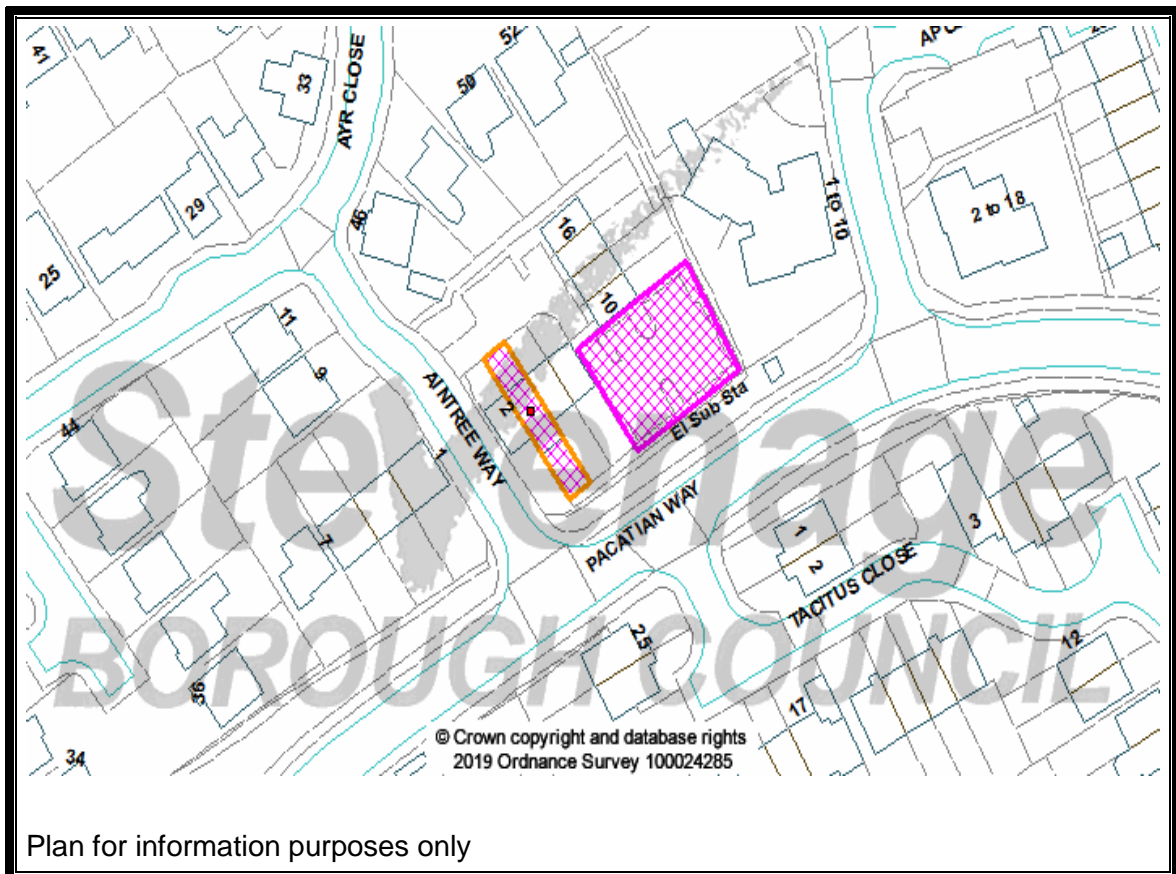


Meeting: Planning and Development Committee      Agenda Item:  
Date: 22 June 2022  
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Lead Officer: Zayd Al-Jawad      01438 242257  
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Application No:	22/00307/ENF
Location:	Car park to the side of No.8 Aintree Way, Stevenage
Proposal:	Unauthorised building work in allocated car parking space belonging to No.4 Aintree Way
Recommendation:	SERVE AN ENFORCEMENT NOTICE



## 1.0 PURPOSE OF REPORT

- 1.1 To seek authorisation for the service of an Enforcement Notice in respect of the unauthorised erection of a structure in the communal parking area of Aintree Way.

## **2.0 BACKGROUND**

- 2.1 The communal car park the subject of this report is located on the eastern side of No.8 Aintree Way, Stevenage. Access to the car park is gained via a private road on the eastern side of the Aintree Way, a short distance after its junction with Pacatian Way. The car park serves as a communal car park for the residents of the street with each property allocated two spaces. The two car parking spaces primarily subject to this proposed service of an Enforcement Notice belong to the owner of No.4 Aintree Way, a mid-terrace property just to the west of the communal car park.
- 2.2 It was brought to our attention on the 6th of April 2022 by another resident of Aintree Way that the owner of No.4 Aintree Way was in the process of erecting a permanent structure on one of his allocated parking spaces whilst a number of large bags of building materials had been deposited close to the entrance of the car park. A site visit of the car park was conducted on April 13th during which the Council's case officer met with the owner of No.4 Aintree Way, Mr Urbanowski, and took photos of the relevant car parking space where the works were being undertaken. A further correspondence from the complainant was then received the following day on April 14<sup>th</sup> to inform officers that a steel structure with a concrete foundation was being erected on the car parking space, with the build additionally taking up the whole of the public footpath access.
- 2.3 On the 11<sup>th</sup> of May 2022, the complainant was contacted again and asked to provide updated photos of the car parking space in question. A response was received on the 13<sup>th</sup> of May 2022 with the supplied photos showing the structure erected on the initial car parking space now largely completed with at least one tree adjacent to the space cut down, an area of grass beside the space now paved over with concrete paving slabs and at least one newly constructed storage area adjacent to the rear of the space. In erecting this structure, vehicles parked in adjacent parking spaces do not now have enough space to open their doors due to the solid wall in the way. In addition to this, photographs were submitted showing that the owner of No.4 was also parking his cars in other spaces that did belong to him, was undertaking repair works to his vehicles in these spaces, at times even leaving one of cars jacked up for multiple consecutive days creating a potential health and safety issue on the site and was frequently leaving the communal car park looking untidy and littered with car parts. Concerns were also raised that the owner of No.4 was also filling up other neighbour's bins with left over car parts and other debris.

## **3.0 ASSESSMENT OF BREACH**

- 3.1 Taking the evidence submitted to the Council into account combined with the Council's case officers own investigations into the potential breach in planning control, despite the claims from Mr Urbanowski, that the structure he has built is only temporary and that he had consent from the majority of the other local residents that use the car park to undertake such works, it is Council officers opinion that the structure erected on one of his parking spaces in the communal car park breaches planning control and requires planning permission from the Council as Local Planning Authority. It is furthermore officer's opinion that the erected structure is unacceptable in that it is an incongruous form of development within the immediate surrounding area and is deemed to be having a detrimental impact on the visual amenities of this part of Aintree Way. As such, the structure which has been erected over the parking space is deemed to not be in accordance with Policies GD1 and SP8 of the adopted

Stevenage Borough Local Plan (2019 and paragraphs 126, 130 and 134 of the NPPF (2021)).

- 3.2 In addition to the above, whilst each application has to be assessed on its own merits, it is the Council's case officer's professional opinion that were Mr Urbanowski to apply for retrospective planning permission for the unauthorised works listed above, such an application would not receive a favourable recommendation due its incongruous visual form, detrimental impact on the visual amenities of the area and impact on the use of adjacent parking spaces. Consequently, officers are seeking authorisation from the Council's Planning and Development Committee to serve an enforcement notice on the alleged breach in planning control which has occurred to have this structure built around the car parking space of No.4 removed and for the spaces of the communal car park affected by the unauthorised works to be returned to their original state.
- 3.3 A letter has been issued to the owner of No.4 Aintree Way to inform them of the Council's intention to refer the case to the Council's Planning and Development Committee which is scheduled to take place on the 22<sup>nd</sup> June 2022, for its decision in terms of whether or not they authorise the issuing of an enforcement notice.

#### **4.0 RECOMMENDATION**

- 4.1 That an Enforcement Notice be issued and served by the Assistant Director of Planning and Regulation and subject to an appointed solicitor by the Council being satisfied as to the evidence requiring the removal of the structure built around the car parking space of No.4 Aintree Way and for the spaces of the communal car park affected by the unauthorised works to be returned to their original state. The precise terms of the Enforcement Notice, including all time periods, to be delegated to the Assistant Director of Planning and Regulation.
- 4.2 That, subject to an appointed solicitor by the Council being satisfied as to the evidence, the Assistant Director of Planning and Regulation be authorised to take all steps necessary, including prosecution or any other litigation/works in default to secure compliance with the Enforcement Notice.
- 4.3 That in the event of any appeal against the Enforcement Notice, the Assistant Director of Planning and Regulation be authorised to take any action required to defend the Enforcement Notice.

#### **5.0 REMEDY REQUIRED**

- 5.1 Within six months of the date of any Enforcement Notice served, the structure built around the car parking space of No.4 should be removed and any other spaces of the communal car park affected by the unauthorised works should be returned to their original state.

## **6.0 BACKGROUND**

The application file, forms, plans and supporting documents having the reference number relating to this item.

Stevenage Borough Local Plan 2011 – 2031 adopted 2019.

Stevenage Borough Council Supplementary Planning Documents – Stevenage Design Guide 2009.

Central Government advice contained in the National Planning Policy Framework (July 2021) and Planning Policy Guidance March 2014.