

Meeting: Planning and Development
Committee

Date: Tuesday 5 March 2024

INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS

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Lead Officer – Zayd Al-Jawad

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1. APPEALS RECEIVED

1.1 None.

2. DECISIONS AWAITED

2.1 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.

2.2 23/00231/FP. 129C High Street. Appeal against the refusal of planning permission for the demolition of single storey element fronting onto Church Lane and its redevelopment with 4no. 1 bedroom flats, retention of 2-storey section fronting onto Letchmore Road and conversion into a 1-bedroom dwelling

3. DECISIONS RECEIVED

21/01152/ENF and 21/01256/FPH – 68 Basils Road

3.1 Appeal against the serving of an enforcement notice to remove the first floor of the two-storey rear extension which was refused under planning permission reference number 21/01256/FPH and Appeal against the refusal of planning permission for the retention of a part two storey, part single storey rear extension under reference number 21/01256/FPH.

3.2 The Appeal was dismissed.

3.3 The Inspector revised the description of the planning application and subsequent enforcement notice from “Two storey rear extension” to “Part two storey, part single storey rear extension”. The Council agreed that this change was acceptable and more accurate.

3.4 The Inspector found that the requirements in section 5(ii) of the enforcement notice would duplicate that of section 5(i) and therefore he amended the enforcement notice to remove the duplication without prejudice to either party. For clarity, part (i) required the removal of the first floor of the structure whilst part (ii) required the removal of the first floor and retain the ground floor in accordance with submitted plans.

3.5 The Inspector disagreed with the Council in regard to harm to neighbouring properties at Nos. 70 and 70A Basils Road. He found there to be no material harm to No.70 and whilst he identified some harm to No.70A, he concluded that due to the unusual layout and siting of this property, the harm would be limited.

- 3.6 With regards to No.23 Victoria Close, directly to the rear of the site, the Inspector agreed with the Council that the back-to-back separation distance of 15m is substantially below the adopted Design Guide SPD (2023) requirements and would result in harm to their living conditions. He also upheld that a previous appeal decision at 10 Gorleston Close from 2021 (APP/K1935/D/20/3263519) which reached the same conclusion was material and supported his conclusion of harm. He went on to agree with the Council that the use of obscure glazing to a sole bedroom window is unacceptable and insertion of additional side elevation windows would create harm to other neighbouring properties so was also unacceptable.
- 3.7 He agreed with the Council that the single storey element of the extension results in no harm to neighbouring amenities.
- 3.8 He therefore concluded that the two-storey element of the extension was unacceptable and directed the Council to amend the enforcement notice to allow either the removal of the first-floor element and re-instate the first-floor rear elevation and rear roof slope of the property to its original condition, or remove all of the extension as a whole and re-instate the property to its original condition.
- 3.9 The Council amended the enforcement notice as directed and it was re-issued on 2nd February 2024.