

## BOROUGH OF KETTERING

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<b>Report Originator</b>	Louise Holland	ENFO/2011/00133	
<b>Wards Affected</b>	34UEHP	Date	
<b>Title</b>	Authorisation for Planning Enforcement Action at The Corner Store, 1 Northampton Road, Broughton		

### 1. **PURPOSE OF REPORT**

To seek authorisation to issue an Enforcement Notice in respect of the failure to comply with Condition 2 of KET/2010/0468 in respect of the development of a single storey garage at 1 Northampton Road, Broughton, shown in bold outline for identification purposes on the site plan attached to this report.

### 2. **BREACH OF PLANNING CONTROL**

Non-compliance with condition 2 of KET/2010/0468 which states:

*No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.*

*REASON: In the interests of the visual amenities of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.*

### 3. **RECOMMENDATION**

That in respect of the breach of planning control described above, the Head of Development Services be authorised to issue an Enforcement Notice pursuant to section 172 of the Town and Country Planning Act 1990 (as amended) requiring the step to be taken within the specified time period and for the reasons which are set out below:

#### 3.1 **Step to be Taken**

1. Render and paint all external walls of the single storey garage to match the rendered finish of the existing building at 1 Northampton Road, Broughton.  
Time for compliance: 3 months

#### 3.2 **Reasons For Issuing the Notice**

The garage has been built without complying with condition 2 of planning permission KET/2010/0468 which requires the submission and approval of all external facing and roofing materials (details of the types and colours) to be used and that the development be carried out in accordance with those approved details.

The reason for imposing this condition was to protect the visual amenity of the area. The facing brick that has been used does not match with or compliment the existing building at No. 1 and appears at odds with the host building and its surroundings. The resultant garage is considered to harm both the character and appearance of the existing building to which it is attached and the surrounding area. It is considered that if the materials used had been proposed at the planning application stage, the proposal would have been refused.

The development that has been built is unauthorised because it does not comply with condition 2 of the planning permission and is unacceptable, conflicting with the aims and objectives of the following planning policies:

Policy 7 of the National Planning Policy Framework (NPPF)

Policy 2 of the East Midlands Regional Plan (EMRP)

Policy 13 (h) and (i) of the North Northamptonshire Core Spatial Strategy (CSS)

Policy 7 of the NPPF sets out that good design is a key aspect of sustainable development; it is indivisible from good planning and should contribute positively to making places better for people. High quality design should be achieved. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Policy 2 of the East Midlands Regional Plan promotes a high standard of design in new development and the layout, design and construction of new development should be continually improved.

Policy 13 (h) of the CSS states that development should be of a high standard of design, architecture and landscaping and respect and enhance the character of its surroundings. Criterion (i) of Policy 13 states that development should create a strong sense of place by strengthening the distinctive historic and cultural qualities and townscape of the towns and villages through its design, landscaping and use of public art.

#### **4. INFORMATION**

##### **Site Description**

The site consists of No. 1 Northampton Road, which is positioned at the corner of Northampton Road and Wellingborough Road. It is a two storey property in use as a post office and 'corner' shop (A1 use) and residential at first floor level. The walls of the property are predominantly finished in painted render. Whilst there

are small areas of feature brickwork these are a completely different colour to the bricks used on the garage extension. The property sits slightly elevated on this corner site, and the openness of the site makes the garage extension very visible within the streetscene.

The character surrounding the site is predominately residential with properties being a mix of stone, brick and render finish. A war memorial set within an area of open space is located adjacent to the site.

### **Planning History**

KET/2010/0468 – Single storey side extension (garage) – approved with conditions.

AOC/0468/1001 – Approval of Condition: Condition 3 (Materials) of KET/2010/0468 – withdrawn.

KET/2011/0171 – Change of use from garage to hot food takeaway – refused.

KET/2012/0221 – Change of use of garage to take away. Alterations to front elevation and erection of ventilation flue – pending a decision.

### **Planning Policy**

#### **National Policies**

NPPF Policy 7 Requiring Good Design.

Circular 10/97: Enforcing Planning Control - Legislative Provisions and Procedural Requirements.

#### **Development Plan**

East Midlands Regional Plan

Policy 2: Promoting Good Design

North Northamptonshire Core Spatial Strategy (CSS)

Policy 13: General Sustainable Development Principles

## **5. APPRAISAL**

The single storey garage is attached to the north western side of No. 1 Northampton Road, Broughton and measures approximately 5m (w) x 7m (d) x 3.3m (h - maximum)/2.2m (h - minimum) with a lean-to roof. It is set back from the front of the main building and projects out from the side of the building towards Northampton Road.

Officers visited the site on 24<sup>th</sup> June 2011 and noted the breach of condition (non-compliance with condition 2 of planning permission KET/2010/0468). It is concluded that the form of built development is unacceptable and results in harm. To remedy the harm officers sought an application to discharge condition 2 proposing a rendered finish to the garage, to match that on the original building.

An application to discharge the condition (planning reference AOC/0468/1001) was submitted in December 2011 but was later withdrawn. Within the file there is letter from the owner dated 2<sup>nd</sup> December 2011 which agrees to the rendering and painting of the garage to match the existing building. To date, the works have not been undertaken.

The development as existing is contrary to policy as set out above as the materials that have been used do not match with or compliment the existing building at No. 1 and appears at odds with the host building and its surroundings. The resultant garage is considered to have a detrimental impact on the character and appearance of the existing building to which it is attached and the surrounding area.

Paragraph 207 of the NPPF states that effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Circular 10/97 supports this.

It is considered that the development has an unacceptable adverse impact which conflicts with the Development Plan and therefore it is recommended that enforcement action, to remedy the injury to amenity which has been caused by the breach, be authorised.

#### Human Rights Implications

Service of an enforcement notice in this instance is not a breach of the property owner's human rights. Whilst it does affect their property rights they will have an opportunity to challenge the decision by way of an appeal against the enforcement notice and that provides adequate safeguards in accordance with the Human Rights Act 1998 incorporating the European Human Rights Convention.

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#### Background Papers:

Title of Document:

Date:

Contact Officer: Louise Holland

#### Previous Reports/Minutes:

Ref:

Date: