

KETTERING BOROUGH COUNCIL

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING & COMPENSATION ACT 1991)

EN.03.0198

ENFORCEMENT NOTICE

ISSUED BY: KETTERING BOROUGH COUNCIL of Municipal Offices, Bowling Green Road, Kettering in the County of Northampton

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there have been breaches of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the Development Plan and to other material planning considerations.

2. THE LAND AFFECTED

Land situated at 246 Barton Road, Barton Seagrave, Kettering in the County of Northamptonshire as is shown for the purposes of identification only on the attached plan and edged in red.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Without the benefit of planning permission, the carrying out of works of alteration and extension to a dwellinghouse, as indicated in green on the plan attached to this notice. The unauthorised extensions include the construction of timber decking over two flat roofed areas and the construction of balustrading and fencing around the perimeter of the decked roof areas; effectively creating first floor patio/terrace areas to each side of the house at the rear. Access to these first floor terrace/patios has been made available by the unauthorised insertion of two sets of French doors to the rear elevations of first floor bedrooms.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the council that the breach of planning control has occurred within the last four years. The Council granted planning permission KE/02/0759 on 5 November 2002 for extensions to the building, but the extensions as constructed are significantly different from those approved by the planning permission. Whilst the totality of the unauthorised development described at 3 above is capable of enforcement, it is considered that the balcony extensions and associated works especially are inappropriate in this location. They are detrimental to the appearance of the dwelling house and of the area in general and their use would result in significant and unacceptable overlooking of neighbouring residential property, giving rise to an unacceptable loss of privacy to the occupiers thereof.

The erection of panel fencing at first floor level is inappropriate and is a discordant feature in the appearance of the property.

As such, the development is contrary to the following policies of the Development Plan:

Northamptonshire County Council Structure Plan:

Policy GS5 (Design) states that in order to promote high quality design and sustainable development, all proposals will have regard to (inter alia) the following consideration: The visual appearance of the development in the context of the defining characteristics of the local area;

Local Plan for Kettering Borough:

Policy 30 (Environment: New Development) states that proposals for development, including changes of use, will be granted planning permission where the character of the development is appropriate in terms of type and scale, and there is no adverse impact on the character of the area or on the amenity of existing or proposed nearby property.

Policy 46 (Housing: Alterations and Extensions) states that planning permission will normally be granted for alterations and extensions to existing dwelling houses where:

- i the design, mass and materials are in harmony with the character of the existing dwellinghouse and the local area; and
- ii there is no significant adverse effect on the amenities of neighbouring properties or the existing dwellinghouse.

Policy 47 (Housing: Residential Amenity) states that planning permission will not normally be granted for proposals for development, including changes of use, where they would have a significant adverse impact on the amenities of adjacent existing or proposed residential properties resulting in an increase in noise and other disturbances.

5. WHAT YOU ARE REQUIRED TO DO

The steps required to remedy the breach of planning control are:

- 1 Permanently remove the French doors from the first floor rear elevations of the dwelling.
Time for compliance: two months from the date this Notice takes effect.
- 2 Following compliance with step [1] above; replace the French doors with masonry and windows as shown on drawing ref: Andy Brear 0299/02/1A attached to planning permission reference: KE/02/0759, with all works executed in accordance with the terms and conditions of that planning permission (copies enclosed).
Time for compliance: two months from the date this Notice takes effect.
- 3 Permanently remove the timber decking over the flat roofed areas.
Time for compliance: two months from the date this Notice takes effect.
- 4 Permanently remove the balustrading and fencing surrounding the timber decking.
Time for compliance: two months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 19 December 2003 unless an appeal is made against it beforehand.

DATED: 07 November 2003

Signed

Celtic Harmony

Head of Development Services
(Proper officer for this purpose)

Kettering Borough Council
Municipal Offices
Bowling Green Road
KETTERING
Northants NN15 7QX

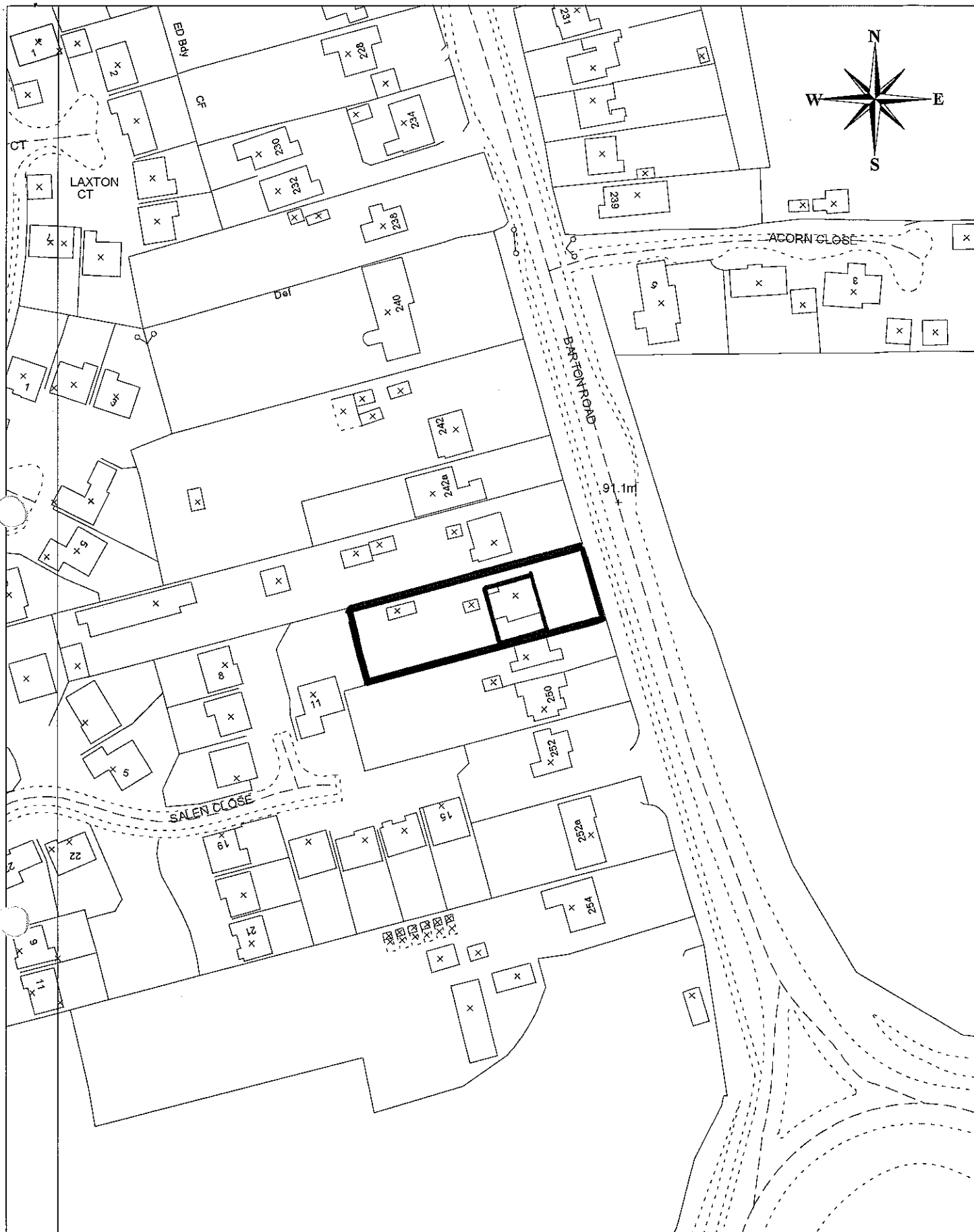
ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this Notice but any appeal must be received, or posted in time to be received, by the Secretary of State **before** Friday 19 December 2003. The enclosed booklet "Making your enforcement appeal" sets out your rights. Read it carefully. If you decide to appeal you may use the enclosed appeal forms. One is for you to send to the Secretary of State. The second is for you to send to the Council. The third copy is for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice, which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in the Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.



Kettering
Borough Council

Extract of:

246 Barton Road, Barton Seagrave

Date: 04:11:03

Scale: 1:1250

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