

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

KETTERING BOROUGH COUNCIL

ENFORCEMENT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

ISSUED BY: KETTERING BOROUGH COUNCIL

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach 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 19 Moorhouse Way, Kettering, 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

The construction of a single storey pergola extension to the northern (rear) elevation of the house consisting of a timber supporting framework, corrugated plastic roofing, and open sides. The whole structure is 'L' shaped and measures approximately 10.8 metres width x 3 metres to 6 metres depth x 2.4 metres height, and is shown in the approximate position marked in green on the plan attached to the Notice and in the attached photograph.

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 unauthorised extension has been added to the rear of two existing ground floor extensions granted planning permission in 2004 (KET/2004/0197). The main dwelling is of a modern design in brick with tiled roof and white PVCu windows. The unauthorised extension is constructed from treated timber and corrugated plastic roofing. In terms of its design, materials and proportions, it appears as an incongruous and peculiar feature which is significantly out of scale and does not knit or unify with the character and appearance of the existing dwelling. The extension is clearly visible from surrounding roads and footpaths and its overall effect is such that it appears as an alien feature impacts adversely upon the character, appearance and visual amenity of the area, and upon the amenity of current and future occupiers of the adjacent house at 21 Moorhouse Way.

As such, the development conflicts with the aims and objectives of the following policies of the Development Plan:-

Policy GS5 (Design) of the Northamptonshire County Council Structure Plan states that in order to promote high quality design and sustainable development, all proposals will have regard to the visual appearance of the development in the context of the defining characteristics of the local area.

Policy 30 (Environment: New Development) of the Local Plan for Kettering Borough 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 design, 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) of the Local Plan for Kettering Borough states that planning permission will normally be granted for alterations and extensions to existing dwelling houses where the design, mass and materials are in harmony with the character of the existing dwellinghouse and the local area and there is no significant adverse effect on the amenities of neighbouring properties or the existing dwellinghouse.

5. WHAT YOU ARE REQUIRED TO DO

The steps required to remedy the breach of planning control and for the purposes of remedying the injury to amenity are:-

- (1) Permanently take down the extension by removing all of the plastic roofing and timber supporting structure and posts, and remove them from the land

Time for compliance: 4 months from the date this Notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 17 May 2007 unless an appeal is made against it beforehand.

DATED: 16 April 2007

Signed: 

Head of Development Services
Kettering Borough Council
Municipal Offices
Bowling Green Road
KETTERING
Northants
NN15 7QX



Title

19 Moorhouse Way, Kettering - ENFO/2006/00202

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Kettering
Borough Council

Date: 05:04:07

Scale: 1:1250

Drawn by: HGW

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 **17 May 2007**. The enclosed booklet "Enforcement Notice Appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate 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 **17 May 2007** and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period 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.

