
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	29 th October 2002	CATEGORY: DELEGATED
REPORT FROM:	<u>DEPUTY CHIEF EXECUTIVE</u>	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	R M Shirley (596750)	DOC:
SUBJECT:	Unauthorised detached timber building in the side garden of 61 Windmill Street, Church Gresley	REF: RMS/E2002/57
WARD(S) AFFECTED:	Gresley	TERMS OF REFERENCE: DC01

1.0 Reason for Exempt (if appropriate)

1.1 Not applicable

2.0 Recommendations

2.1 That the Development Control Committee takes no action in the matter.

3.0 Purpose of Report

3.1 To obtain the Committee's instructions

4.0 Executive Summary

4.1 Not applicable

5.0 Detail

- 5.1 Following a complaint initially received in August 2001, a site inspection revealed that a wooden shed/summerhouse building was in course of erection in the side garden of the above property which is a semi-detached house situated at the junction of Windmill Street and Talbot Street, Church Gresley. The garden area currently enjoys the benefit of full planning permission for the erection of a detached house.
- 5.2 The nature of the complaint was that the presence of the building materially affected light falling to a flank window of an adjoining property on Talbot Street.
- 5.3 A planning application to authorise the work was required as the building is nearer to the highway than the nearest point of the original dwelling house and the owner was approached with a view to seeking the removal of the building or its regularisation by application.

- 5.4 An application was received in February 2002 to retain the building in an amended position which would substantially reduce its effect on light falling to the neighbouring window and conditional permission was granted on 19th April 2002 with an informative that the building was unauthorised in its current position and that, unless it was moved to the approved position as soon as possible, it was open to the Local Planning Authority to take further action to secure the removal of the shed from its current position.
- 5.5 The matter has been progressed with the owner of the property but no action has been taken to re-locate the building in its approved position.
- 5.6 Continued complaint has been received.
- 5.7 A plan of the site, which is approximately 340 square metres in area and a copy of decision notice 9/2002/0181 are attached at Annexe A.

6.0 Financial Implications

- 6.1 None.

7.0 Corporate Implications

- 7.1 None

8.0 Community Implications

- 8.1 None

9.0 Conclusions

- 9.1 In its current position, the building is directly in front of the neighbouring window, although approximately two metres away from it and its re-siting in accord with the submitted plan would alleviate the situation.
- 9.2 However, the owner is free to erect a fence on the boundary of the property of up to two metres in height without submitting an application.
- 9.3 Should that course of action be adopted, the effect on light falling to the window would be at least the equivalent of that resulting from the building in its current position.
- 9.4 As a result of this, enforcement action would be difficult to justify at appeal.

10.0 Background Papers

- 10.1 Enforcement files E2001/240 and E2002/57
- 10.2 Application file 9/220/0181