
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	16 th December 2003	CATEGORY:
REPORT FROM:	<u>DEPUTY CHIEF EXECUTIVE</u>	RECOMMENDED OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	R M Shirley (595750)	DOC:
SUBJECT:	Unauthorised painting of the exterior walls of April Cottage, 19 Potter Street, Melbourne	REF: RMS E/2003/84
WARD AFFECTED:	Melbourne	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 authorise the service of an Enforcement Notice requiring the following step to be taken:

1. That the exterior walls of the dwelling be painted a colour from within the range specified in Section 7 of the Supplementary Planning Guidance notes relating to the Melbourne Article 4 Direction.

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, site inspections were carried out at the above property which is a semi-detached cottage situated within Melbourne Conservation Area and affected by the Melbourne Article 4 Direction.

5.2 The effect of the Article 4 Direction is to remove specified 'permitted development' rights, of which external painting is one, in the interests of maintaining the special architectural and historic character of the area.

- 5.3 It was noted that the exterior walls of the dwelling had been painted 'lime' green, which colour does not appear in the approved schedule of external finishes listed in Section 7 of the Supplementary Planning Guidance Note relating to the Article 4 Direction.
- 5.4 The owners of the property were contacted and the need to comply with the requirements of the Direction was pointed out. However, the owners have claimed that they were in receipt of advice that 19 Potter Street was not situated within the area covered by the Direction and that they have acted correctly within the parameters of the advice given.
- 5.5 A plan of the site and of the area covered by the Article 4 Direction is attached at Appendix A.

6.0 Financial Implications

- 6.1 Should legal action prove necessary, the Council may be subject to certain costs.

7.0 Corporate Implications

- 7.1 None

8.0 Community Implications

- 8.1 None

9.0 Conclusions

- 9.1 Notwithstanding any allegations to the contrary the property is clearly situated within the confines of the Melbourne Article 4 Direction and as such, subject to the abatements of permitted development specified therein.
- 9.2 The green colour with which the exterior walls have been treated does not appear on the approved schedule of permitted exterior wall colours, thus there is a clear breach of planning control.
- 9.2 By virtue of its inappropriate appearance the painting of the walls is in contravention Of Environment Policy 9 of the Derby and Derbyshire Joint Structure Plan, Environment Policy 12 of the adopted South Derbyshire Local Plan and Policy ENV20 of the Revised Deposit Draft South Derbyshire Local Plan.
- 9.3 It is open to the Committee to authorise the service of an Enforcement Notice requiring the exterior walls of the dwelling to be repainted in a colour from within the range specified in Section 7 of the Supplementary Planning Guidance notes relating to the Melbourne Article 4 Direction.
- 9.4 An appropriate compliance period is viewed as six months from the date when the Notice takes effect.

10.0 Background Papers

- 10.1 Enforcement File E/2003/84