

46 Derby Road Melbourne



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Scale 1:1250 Date Plotted 13/8/2001

Plot centred at 438556 325446

46 Derby Road Melbourne



REPORT TO:	DEVELOPMENT CONTROL SUB-COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	12TH OCTOBER 1999	CATEGORY: DEL.
REPORT FROM:	HEAD OF PLANNING	OPEN
MEMBERS' CONTACT POINT:	RAFE SHIRLEY EXT. 5750	PARAGRAPH NO. N/A
SUBJECT:	UNAUTHORISED INSTALLATION OF PVC WINDOWS IN THE FRONT ELEVATION OF 46 DERBY ROAD, MELBOURNE	DOC: E:\SCF_PLN\WIZEN\FREP\11101999\E306.DOC
WARD AFFECTED:	MELBOURNE	REF: RMS/E98/306

1.0 Purpose of Report

1.1 To obtain the Sub-Committee's instructions.

2.0 Content

2.1 An inspection carried out by an officer of the Council in November 1998 revealed that PVC windows had been installed without the benefit of planning permission in the front elevation of the above property.

2.2 The property which is a terraced house is situated within Melbourne Conservation Area and is affected by the Melbourne Article 4 Direction which removes a range of permitted development from properties so affected.

2.3 The installation of replacement windows is an item specified in the Direction and, as such, a planning application is required before such works take place.

2.4 The owner has been contacted but has not taken any steps to replace the windows with those of an approved design. An application to retain the windows was submitted but was not of the requisite standard for registration.

2.5 It is likely that a regularising application would not receive a successful outcome as the PVC windows are viewed as being detrimental to the Conservation Area.

2.6 The owner has been advised that some grant assistance towards replacement windows may be available but has stated that whilst he is willing to replace the windows with a more appropriate design, financial considerations prevent him from specifying a date by which the installation would be carried out.

2.7 The property has since been rented out and further correspondence has produced no result.

2.8 A plan of the site which is approximately 90 square metres in area is attached at Annexe A.

3.0 Financial Implications

3.1 The Council may be subject to certain costs should legal proceedings prove necessary.

4.0 Conclusions

- 4.1 The presence of the unauthorised windows constitutes a breach of planning control.
- 4.2 The appearance of the windows is considered to have a detrimental effect on the Conservation Area.
- 4.3 It is open to the Sub-Committee to authorise the service of an Enforcement Notice requiring the removal of the windows and their replacement by those of a more appropriate design.

5.0 Recommendations

- 5.1 That the Sub-Committee authorise the service of an Enforcement Notice requiring the removal of the existing windows in the front elevation of the property and their replacement by those of a design agreed in writing by the Local Planning Authority.
- 5.2 That the period for compliance with the notice be five months from the date the notice takes effect to have due regard for inclement weather conditions and any implications with respect to potential grant aid for the work.

6.0 Background Papers

- 6.1 Enforcement File - E98/306.

