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<b>REPORT TO:</b>	<b>DEVELOPMENT CONTROL COMMITTEE</b>	<b>AGENDA ITEM:</b> 5
<b>DATE OF MEETING:</b>	4 <sup>th</sup> September 2001	<b>CATEGORY:</b> <b>DELEGATED</b>
<b>REPORT FROM:</b>	<b>DEPUTY CHIEF EXECUTIVE</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	R M Shirley (596750)	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Unauthorised installation of P V C windows at 46 Derby Road, Melbourne</b>	<b>REF: RMS/E98/306</b>
<b>WARD AFFECTED:</b>	<b>Melbourne</b>	<b>TERMS OF REFERENCE:</b>

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### 1.0 Reason for Exempt

1.1 Not applicable

### 2.0 Recommendations

2.1 That the Development Control Committee authorise the service of a further Enforcement Notice requiring that the following steps be carried out within 56 days of the Notice taking effect:

1. That the P V C windows in the front elevation of the terraced house be removed and replaced by those of a design set out in a schedule attached to the notice.
2. Any resulting waste building materials and surplus window frames be removed from the site.

### 3.0 Purpose of Report

3.1 To obtain the Development Control Committee's instructions.

### 4.0 Detail

4.1 At its meeting on 12<sup>th</sup> October 1999 the then Development Control Sub-Committee resolved to authorise the service of an Enforcement Notice requiring the unauthorised P V C windows installed in the front elevation of the above building to be removed and replaced by those of a design agreed in writing by the Local Planning Authority. A compliance period of five months from the date that the Notice took effect was allowed.

4.2 The dwelling is situated within Melbourne Conservation Area and affected by the Melbourne Article 4 Direction which removes a range of permitted development.

- 4.3 An appeal was submitted against the Enforcement Notice, the ground of appeal being that the time period given to comply with the Notice was too short.
- 4.4 Following further negotiation with the owner, together with the offer of grant assistance, a written undertaking was received to replace the windows by 1<sup>st</sup> July 2001.
- 4.5 On the basis of this assurance, the Enforcement Notice was withdrawn on 29<sup>th</sup> February 2000.
- 4.6 A site inspection carried out on 5<sup>th</sup> July revealed that no action had been taken to replace the windows.
- 4.7 The owner has again been contacted and has requested more time in which to complete the work due to financial circumstances. Whilst noting the comments of the site owner they should not be given great weight in the consideration of this planning matter. Notwithstanding them, the time period that has elapsed since the matter was first raised means that action should now be taken to rectify this matter.
- 4.8 A plan of the site, which is approximately 240 square metres in area is attached at Annexe A.

## **5.0 Financial Implications**

- 5.1 Should prosecution prove necessary the Council may be subject to certain costs.

## **6.0 Conclusions**

- 6.1 There is a clear and ongoing breach of planning control in direct contravention of Derby and Derbyshire Joint Structure Plan Environment Policy 9 and South Derbyshire Local Plan Environment Policy 12.
- 6.2 Notwithstanding the extended time period agreed, the replacement windows have not been installed.
- 6.3 It is open to the Committee to authorise the service of a further Enforcement Notice requiring the installation of appropriate replacement windows within a reasonable time period.

## **Background Papers**

Copy of report to the Development Control Sub-Committee meeting of 12<sup>th</sup> October 1999.

Enforcement File E98/306