

**Alleged Unauthorised Development**

**Wouldham**

**06/00238/UNAWKS**

**571215 163823**

Burham Eccles  
Wouldham

Location: Land Adjoining 1to 3 Portland Road Wouldham Rochester Kent

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**1. Purpose of Report:**

1.1 To report the unauthorised development being the construction of two new dwelling houses together with their associated parking, refuse facilities etc in a form which is not in accordance with the approved planning permission granted under reference TM/04/04298/FL. In summary the discrepancies between the approved plans and the development as carried out on site include the enlargement of the balconies to the rear of the houses, the failure to provide the parking and turning area in accordance with the approved layout and the failure to provide a fence at the front of the site. The refuse storage facilities have also not been provided in accordance with the approved details as required by condition of the planning permission.

**2. The Site:**

2.1 The site lies to the south of Portland Place and to the west of the High Street. To the east of the site lies a small block of garages and to the west open agricultural fields.

2.2 The site is now know as 4 and 5 Chalkland Cottages Portland Road Wouldham

**3. History:**

3.1 TM/06/00191/RD Approved 24.02.2006

Details of roof and hanging tiles.

3.2 TM/05/02945/RD Approved 19 11.2005

Details of refuse storage, landscaping boundary treatment and drainage.

3.3 TM/04/04298/FL Approved 31.05.2005

2no. three bedroom houses

3.4 TM/03/03877/FL Refused 10.02.2004

Provision of 3no. two bedroom houses.

3.5 TM/90/1270/OA Refused 28.02.1991

Outline application for 3no. two bedroom terraced houses with parking and access.

3.6 TM/89/1597/OA      Approved 10.02.1990

Outline application for new parking spaces (nine) and two dwellings with new garden space.

3.7 TM/87/2022              Refused 11.05.1988

Outline application for 3 cottages and 6 parking spaces.

#### **4. Alleged Unauthorised Development:**

4.1 The discrepancies between the approved plans and the development as carried out on site means that there is insufficient space to comply with the level of parking as shown to be laid-out on the approved plans. To a degree this has been caused by the erection of rear balconies larger than approved thus causing the overall layout to be much "tighter". The scheme also fails to provide the fence on the front of the site as shown on the approved drawing. The refuse storage facilities have also not been provided in accordance with the approve details as required by condition of the planning permission.

#### **5. Determining Issues:**

5.1 In July 2006 it was noted that the approved dwellings were not being constructed in accordance with the approved plans of planning permission TM/04/4298/FL. The main concern was that the parking area had not been constructed in accordance with the approved plans and could not accommodate sufficient parking within the site. There was also concern that a fence which was shown to be erected at the front of the site had yet to be erected.

5.2 It is clear from site inspections that the parking and turning areas have not been built in accordance with the planning permission. The parking and turning area is shown on the approved plans to be 10m wide and to accommodate four parallel parking spaces where in reality it is only 5.7m wide. This has resulted in a smaller turning area and the loss of two car parking spaces. "Grasscrete" has been installed in a way that suggest that it might be available for parking but it cannot be readily accessed because of a fence – so it is not truly available. The parking area on plot 2 is not only located in the wrong position but it is almost 3m shorter than is shown on the approved drawings, the approved drawings show this parking area to be 5.2m long.

5.3 During site inspections it has become apparent that the balconies have been built larger then they are shown on the approved drawings. The approved drawing shows them to extend by 1.8m from the rear wall elevation of the houses when in reality they extend 4.99m.

5.4 By way of the approved landscaping scheme a fence is shown to be erected at the front of the property. The most recent site inspection has revealed that no such fence has been erected.

- 5.5 Despite numerous letters to the developers and a number of site meetings with him officers have been unable to persuade him to rectify the unauthorised development. This is very regrettable. In terms of formal action it has been necessary to wait until the development had been completed/occupied to ensure that it is beyond doubt that it had not been built in accordance with the approved plans and not fulfilled the conditions of the planning permission.
- 5.6 The development without the required parking and turning area could give rise to hazardous on street parking and hazardous conditions on the public highway. The balconies as constructed will give rise to a loss of amenity to neighbouring properties by way of overlooking from the extended floor area.
- 5.7 For the above reasons it is expedient to issue Enforcement Notices to seek the construction of the parking and turning area in accordance with the approved drawings, the reduction in the size and construction of the balconies in accordance with the approved plans and the construction of the fence to the front of the properties

## **6. Recommendation:**

An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The Chief Solicitor being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

### **A. Breach of Planning Control Alleged**

Without planning permission the construction of vehicle parking and turning area not in accordance with the approved planning permission TM/04/04298/FL.

### **Reasons For Issuing The Notice**

The above breach of planning control has occurred within the last four years, The development without adequate parking and turning facilities is likely to lead to hazardous on street parking and hazardous conditions on the public highway.

### **Requirement**

To construct the parking and turning area in accordance with plan KF/SD/05 Rev C of planning permission TM/04/04298/FL.

### **Period For Compliance**

Three calendar months from the date the Notice becomes effective.

An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The Chief Solicitor, he being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

### **B. Breach of Planning Control Alleged**

Failure to erect a 2m high fence on the front, northern boundary, as shown on plan KF/SD/05 Rev B as granted planning permission by TM/05/02945/RD.

### **Reasons For Issuing The Notice**

The above breach of planning control has occurred within the last four years. The provision of the development without the erection of the fence causes a loss of amenity to neighbouring properties.

### **Requirement**

To erect a 2m high fence on the northern elevation as shown on plan KF/SD/05 Rev B of permission TM/05/02945/RD.

### **Period For Compliance**

One calendar month from the date the Notice becomes effective.

An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties.

The Notice to take effect not less than 28 days from the date of service, subject to:

- The Chief Solicitor being authorised to amend the wording of the Enforcement Notice as may be necessary.
- In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.

### **C. Breach of Planning Control Alleged**

Without planning permission the construction of balconies to the rear of the properties not in accordance with the approved plans of TM/04/4298/FL.

### **Reasons For Issuing The Notice**

The above breach of planning control has occurred within the last four years. The construction of the balconies not in accordance with the approved plans form an intrusive visual feature and can give rise to the loss of amenity to the neighbouring properties by way overlooking.

### **Requirement**

To construct the balconies to the rear of the property in accordance with plan KF/SD/05 Rev B of planning permission TM/04/04298/FL.

### **Period For Compliance**

Three calendar months from the date the Notice becomes effective.

## **6.2 Further Proceedings**

In the event of the Enforcement Notices not being complied with and subject to satisfactory evidence, the Chief Solicitor **be authorised** to commence any proceedings which may be necessary under Section 179 of the Town and Country Planning Act 1990 (as amended) to secure compliance with the Enforcement Notice.

Contact: Richard Edmonds