

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

To: Mrs Hazel Patrick
5 Swards Road
Felling
Gateshead
Tyne and Wear
NE10 9UR

ISSUED BY: THE BOROUGH COUNCIL OF GATESHEAD
Civic Centre Regent Street Gateshead Tyne and Wear
NE8 1HH

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

5 Swards Road, Felling, Gateshead, Tyne and Wear, NE10 9UR shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

The erection of a conservatory without the benefit of planning permission at the rear of 5 Swards Road, Felling, Gateshead, Tyne and Wear, NE10 9UR.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last four years. The Council consider it expedient to take enforcement action for the following reasons:-

- a) The cubic content of the conservatory is in excess of 70 cubic metres and due to the ground level it enjoys a raised position. The size and position of the conservatory have an adverse impact on the visual amenity of the area as the scale of the conservatory is not compatible with the established character of the area which is contrary to policy E3 of the Adopted Unitary Development Plan for Gateshead that states:-

The design, density and scale of a new development should be compatible with the established character and identity of its proposed locality. All development will be expected to recognise established design principles with regard to such factors as scale,

bulk, height, materials, density, views and vistas. The relationship between buildings and the spaces around and between them must be handled in a sensitive manner.

- b) The conservatory extends approximately 4.75 metres from the already extended kitchen. It is glazed with clear glass on three sides and overlooks the nearby residential properties, which is contrary to policy H2 of the Adopted Unitary Development Plan for Gateshead that states:-

The residential amenity of existing housing areas will be protected. Proposals which may affect existing housing areas should not result in:

- a) **adverse impact on visual amenity or character;**
- b) **overlooking or loss of light affecting the residential amenity of neighbouring properties;**
- c) **loss of trees or urban green space;**
- d) **disturbance through commercial intrusion, artificial lighting, noise, vibration, smell, fumes, smoke, ash, dust or grit;or**
- e) **unacceptable parking or traffic generation.**

5. WHAT YOU ARE REQUIRED TO DO

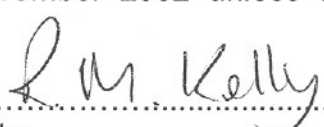
To remove the conservatory and any other materials which constitute the unauthorised development.

Time for Compliance: 3 months after this notice takes effect

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 11 November 2002 unless an appeal is made against it beforehand.

Dated : 11 October 2002

Signed 
R M Kelly
Strategic Director Legal and Corporate Services

On behalf of : The Borough Council of Gateshead

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 11 November 2002. The enclosed booklet "Enforcement appeals - A Guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 11 November 2002 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in this notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



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