

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

ISSUED BY: The Borough Council of Gateshead

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the land described below. They consider it expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at 8 Saltwell View, Bensham, Gateshead, Tyne and Wear NE8 4JS, shown edged red on the attached plan.

3. THE BREACH OF PLANNING CONTROL

Without planning permission the erection of a dormer window in the front roof of the property (the second dormer).

For the avoidance of doubt the second dormer is the smaller of the two dormer windows located at the front of the property on the left side of the roof, situated closest to number 7 Saltwell View, Bensham, NE8 4JS)

4. REASONS FOR THIS NOTICE

It appears to the Council that it is necessary and expedient to issue this Notice. The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

It appears to the Council that the breach of planning control has occurred within the last four years.

It is considered that the second dormer is contrary to ENV7 and PPG15 para 4.18. It does not respect the architectural context of the terrace, the traditional pattern of frontages or the detailed design of such features. It is also contrary to the approved conservation area character statement as the second dormer dominates the roofline of the original house and impacts (negatively) on the composition of the principal elevation and terrace as a whole.

Policy ENV7 of Gateshead's Unitary Development Plan states that development within conservation areas must preserve or enhance the area's special architectural or historic character or appearance. Part a) requires specifically that development should 'respect its architectural and historic context, particularly in terms of design, massing, height, silhouette, grain, proportion, rhythm, street alignment etc.'

ENV7 DEVELOPMENT WITHIN CONSERVATION AREAS MUST PRESERVE OR ENHANCE THE AREA'S SPECIAL ARCHITECTURAL OR HISTORIC CHARACTER OR APPEARANCE BY:

- a) respecting its architectural and historical context particularly in terms of design, massing, height, silhouette, grain, proportion, rhythm, street alignment, plot layout and associated landscaping;
- b) ensuring that wherever practicable and appropriate, traditional natural local materials which contribute to the area's character or appearance are used and incongruous materials are avoided;
- c) ensuring that traditional or important features both on buildings and contributing to their setting should be retained — where features have deteriorated to the extent that they have to be replaced, the replacement should match the original in design, materials and construction methods;
- d) protecting trees, hedgerows, landscape features, open areas and views and vistas, within and out of the Conservation Area, which contribute to its character and appearance; and
- e) not generating traffic movements, parking demands, noise or other environmental impacts that would be prejudicial to the area's character and appearance.

PPG15 para 4.18 requires that regard is had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis and designated design such as the scale and spacing of window openings when considering applications for development in a conservation area.

PPG 15 Para 4.18. Local Planning Authorities will often need to ask for detailed plans and drawings of proposed new development, including elevations which show the new development in its setting, before considering a planning application. In addition to adopted local plan policies, it may be helpful to prepare design briefs for individually important 'opportunity' sites. Special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis, and detailed design (eg. The scale and spacing of window openings, and the nature and quality of materials). General planning standards should be applied sensitively in the interests of harmonizing the new development with its neighbours in the conservation area.

5. WHAT YOU ARE REQUIRED TO DO

Remedy the breach by

- (i) Removing from the roof the unauthorised second dormer window;

(ii) Reinstating the roof to the condition it was, prior to the unauthorised development taking place by covering the resulting hole with material to match the existing main roof.

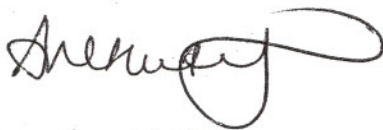
6. TIME FOR COMPLIANCE

The period for compliance with the steps set out in paragraph 5 above is 60 days after this notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 2nd January 2009, unless an appeal is made against it beforehand.

Dated: 1st December 2008



Signed: Anneliese Hutchinson
Head of Regulatory Services

For and on behalf of the Borough Council of Gateshead.

EXPLANATORY NOTE

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** the date specified in paragraph 7 of the notice. Please note that a separate appeal form must be completed for each individual person or organisation. The enclosed booklet "Making your enforcement appeal" sets out your rights. Please 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, together with a copy of this enforcement notice.
- The second copy of the appeal form and notice should be sent to the Council.
- The third copy is for your own records.

You can submit an appeal online at www.planningportal.gov.uk/pcs, via the Planning Inspectorate's Planning Casework Service, which is designed to help speed up the way in which you view, track and comment on appeals.

FEES

Upon lodging an appeal there is deemed to be an application for planning permission, whether or not reliance is placed upon the ground set out under Section 174(2)(a) of the 1990 Act. A fee, equal to twice that which would have been payable if a planning application were made for the development specified in the enforcement notice, is payable to have this ground considered.

No fee is payable if;

- you have already made an application for planning permission, accompanied by the appropriate fee, for the development specified in the enforcement notice, that was undetermined at the time the notice was served, or,
- you have already lodged an appeal with the Secretary of State against the Council's refusal to grant planning permission for the development specified in the enforcement notice that was undetermined at the time the notice was served.

The fee in this case would be £300.00, half of which should be paid to the Planning Inspectorate (made payable to the Planning Inspectorate) and the other half to the Council (made payable to Gateshead Metropolitan Borough Council).

If a fee is due, and you do not pay it within the period specified by the Secretary of State, the deemed application will not be considered by the Planning Inspector.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and / or remedial action by the Council.

PERSONS ON WHOM THIS NOTICE HAS BEEN SERVED

Mr John Smith
8 Saltwell View
Gateshead
Tyne & Wear
NE8 4JS

The Company Secretary
The Mortgage Business PLC
Thistle House
City Road
Chester
CH88 3AN



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Gateshead Council
Department	Regulatory Services
Comments	
Date	01 December 2008
SLA Number	Not Set