

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 (“the Council”)

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**

66 Ventnor Crescent, Low Fell, Gateshead, Tyne and Wear, NE9 6DY shown edged red on the plan attached and marked plan A

3. **THE BREACH OF PLANNING CONTROL**

The erection of a boundary wall to a height of 1850mm with railings to a height of 2140mm to sides and front of 66 Ventnor Crescent, Low Fell, Gateshead, Tyne and Wear, NE9 6DY, including double-gates (height 2350mm) to front and single gate to side without the benefit of planning permission.

4. **REASONS FOR THIS NOTICE**

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

A retrospective planning application, reference No. DC/05/00689/FUL to retain the development was refused on the 1st July 2005 on the following grounds:

The development by virtue of its height, design and location along the front and side boundaries of the property is considered to be detrimental to the visual amenity within the street scene and to the amenity of the occupiers of the neighbouring residential properties, and thereby contrary to Policy H2 of the Unitary Development Plan, which 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.

The development is also contrary to Policy E3 of the Unitary Development Plan which states:- The design, density and scale of 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.

The Council does not consider that planning permission should be given, because planning conditions could not overcome these objections to the development.

5. WHAT YOU ARE REQUIRED TO DO

- i. Reduce those parts of the wall, railings and gates, shown in blue line on the plan marked plan B, to a height not exceeding one metre above the level of the ground and remove from the land all waste materials arising from compliance with this notice.


6. TIME FOR COMPLIANCE

2 calendar months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 17th October 2005, unless an appeal is made against it beforehand.

Dated 14th September 2005

Signed: 
Maureen Kesteven
Solicitor to the Council

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. The enclosed booklet "Enforcement Notice Appeals – A Guide to Procedure" 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.

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 £270.00, half of which should be paid to the Planning Inspectorate (made payable to the Office of the Deputy Prime Minister) and the other half to the Council (made payable to Gateshead Council).

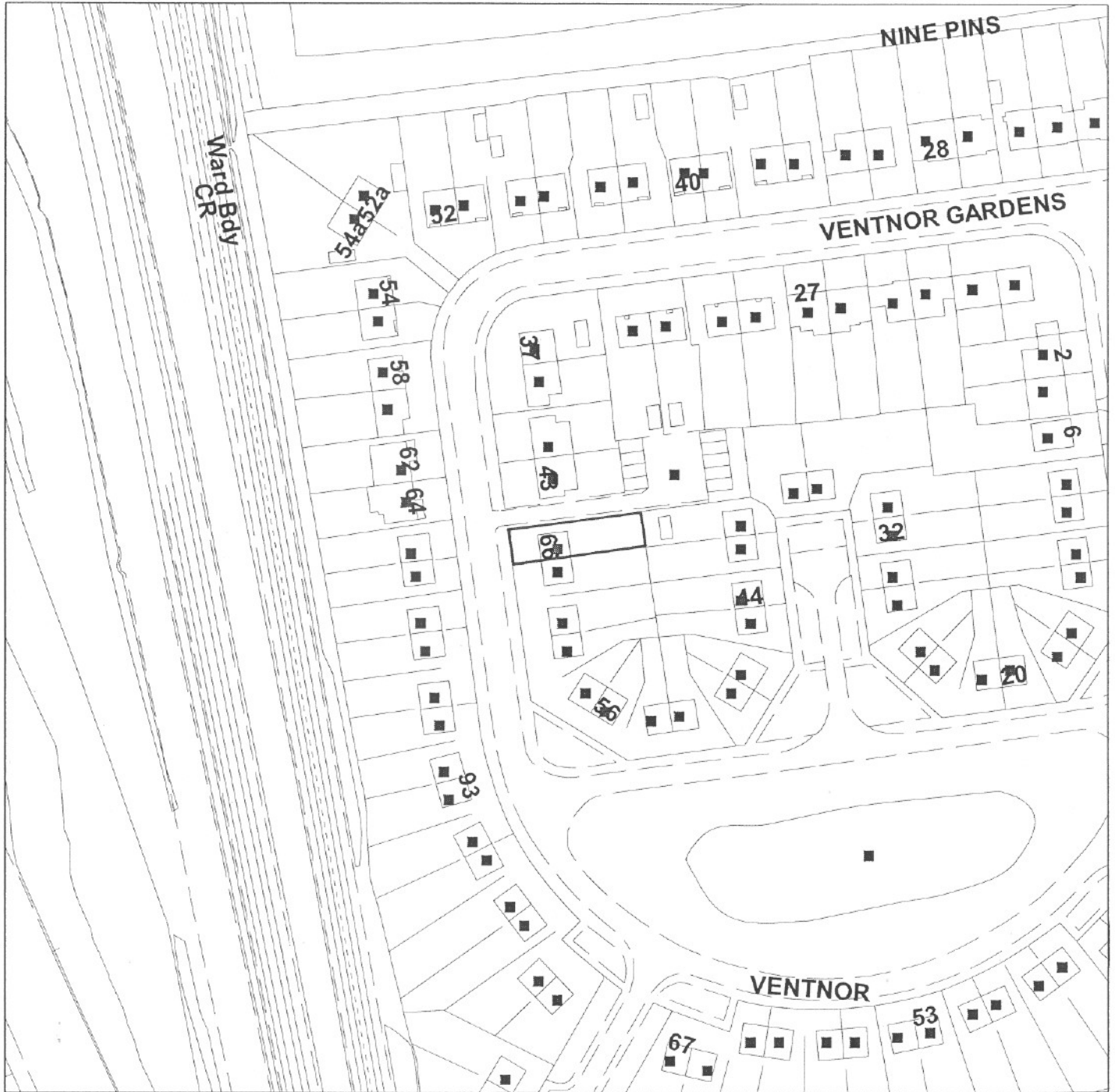
If a fee is due, and you do not pay it within the period specified by the Secretary of State, the deemed application will not be considered by the Planning Inspector.

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

Mrs Maureen Dixon
66 Ventnor Crescent
Low Fell
Gateshead
Tyne and Wear
NE9 6DY



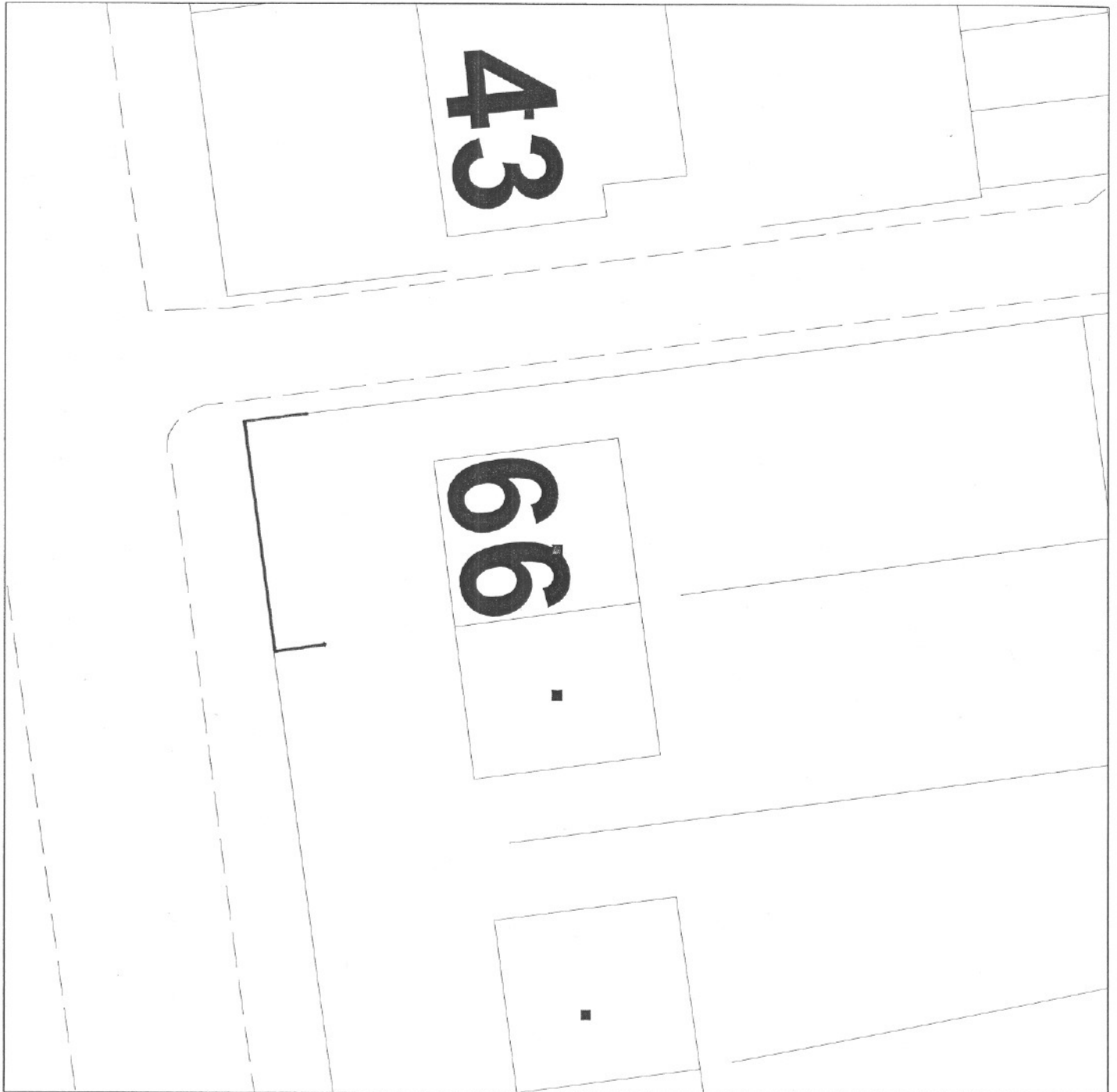
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Organisation	Gateshead Council
Department	Development Control
Comments	66 Ventnor Crescent Scale 1:1250
Date	13 September 2005
SLA Number	GC 100019132 2004



Scale : 1:200

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