

ENFORCEMENT NOTICE - OPERATIONAL DEVELOPMENT

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: Rother District 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 that it is 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 Lucky Toad, First Avenue, Camber, East Sussex shown edged red on the attached Plan A.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL – OPERATIONAL DEVELOPMENT

Without planning permission the height of the dwelling has been increased through a combination of an increase in ground level and an increase in the height of the dwelling itself.

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.

As a result in its increase in height, the dwelling causes harmful overshadowing/loss of outlook to the living conditions of the occupiers of the adjoining properties Errisberg and the Warrens, and causes harmful overlooking and loss of privacy to the living conditions of the occupiers of the adjoining property The Warrens. The development is contrary to Policy OSS4 (ii) of the Rother Local Plan Core Strategy which seeks to ensure that development does not unreasonably harm the amenities of adjoining properties.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO

- i) Remove the side parapets from the rear single storey element of the dwelling down by 250mm to the drainage outlets for the flat roof as shown on Plan B attached.
- ii) Permanently glaze the top halves of the three kitchen windows at ground floor level within the side north-west elevation of the dwelling with an obscure window film of obscurity level equivalent to scale 5 on the Pilkington Glass Scale as shown on plan B attached.

- iii) Permanently glaze the top half of the living room window at ground floor level within the side north-west elevation of the dwelling with an obscure window film of obscurity level equivalent to scale 5 on the Pilkington Glass Scale as shown on plan B attached.

6. TIME FOR COMPLIANCE

Three months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 19 October 2016 unless an appeal is made against it beforehand.

Dated: 7 September 2016

Signed:

Solicitor to the Council
on behalf of Rother District Council,
Town Hall,
Bexhill-on-Sea,
East Sussex TN39 3JX

Ref: MKN164

ANNEX

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 Planning Inspectorate before the date specified in paragraph 7 of the notice. The attached leaflet details how an appeal can be made.

If you want to appeal you can do it:

- online at the Planning Casework Service area of the Planning Portal
<https://acp.planninginspectorate.gov.uk/> or
- by getting enforcement appeal forms by phoning on 0303 444 5000 or by emailing enquiries@pins.gsi.gov.uk

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 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 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.

Camber



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PLAN A