

**PLANNING APPLICATIONS COMMITTEE
ENFORCEMENT PERFORMANCE REVIEW
January to December 2019**

This report provides an update on the team's performance and successes over the period January 2019 to December 2019

- 1. Introduction**
- 2. Enforcement Investigations**
- 3. Appeals**
- 4. Prosecutions**
- 5. Proactive Enforcement Action**
 - Advert Hoardings**
 - Estate agent's boards**
 - Eyesore Properties and sites**
- 6. H&F Local Enforcement Plan**
- 7. Conclusion**

1. INTRODUCTION

- 1.1 I am pleased to report that the Local Enforcement Plan for Planning is available for public viewing on the H&F Council Website.
- 1.2 This report provides a review of the annual performance and achievements of the planning enforcement team January to December.
- 1.3 The role of the enforcement team is to investigate breaches of planning control; to negotiate and mediate with developers, residents, and their neighbours to remedy any harm.
- 1.3 Most breaches of planning are resolved by negotiation. When that is not successful; and if the Council can identify harm, enforcement action can be taken.
- 1.4 Most of our work is in response to complaints from residents and the public. We have also undertaken several projects and proactive work where a clear benefit to the local community has been identified resulting from significant improvements to the appearance of the streetscene.
- 1.5 The most often reported breaches relate to roof terraces, roof extensions and rear extensions, boundary walls and fences and estate agent's boards.

Our workload in January to December 2019

Received reported breaches of planning control	1207
Investigations were completed	1185
Enforcement Notices issued	56
Notices complied with	50
Investigations concluded	93% in 8 weeks 96% in 12 weeks

- 1.6 **Major developments** As part of their permission they are required to provide Construction Management Plans. These plans include: hours of operation; deliveries, loading and unloading and traffic related to the site. However, the control of some of these areas are more appropriately and efficiently managed using other legislation. To this end we will liaise with our colleagues in other services as necessary.

For example: **Highways** - traffic management
 Access to the site
 Loading on/off the highway
 Cleaning and damage to the highway

Licensing Hoardings
 Scaffolding

Environmental Protection hours of operation
 noise nuisance and disturbance dust.

1.7 The reasons for closure of investigations are as follows: -

Enforcement Notices Served
Breach remedied through officer negotiation
Not Development
Permitted Development
Use is lawful (4 years/10 years)
Deemed Consent (Adverts)
In accordance with planning permission
Retrospective planning permission granted
Not expedient to take enforcement action

2. ENFORCEMENT INVESTIGATIONS - BREACH TYPES

2. EXTENSIONS

Cases Investigated	445
Investigations completed	420

Comment

2.1.1 Complaints are regularly received from neighbours that roof and/or rear extensions are not being built in accordance with the planning permission. This often occurs because the applicant's architect has failed to survey the property correctly, meaning that the extension cannot be erected as indicated on the approved plans, or simply that the owner has requested additional modifications. This does not mean that the development is harmful or unacceptable. If we are alerted at an early stage, we can agree the necessary works to remedy any harm.

If the developer does not remedy the breach, or submit a retrospective planning application it falls to the council consider if there is harm; and if so, whether it causes injury to justify serving an enforcement notice.

2.2 ROOF TERRACES

Cases Investigated	50
Investigations concluded	45

Comment

2.2.1 The use of a flat roof on a residential property generally does not require planning permission. But, permission is required to erect railings or other forms of enclosure around the roof to form a terrace. New roof terraces continue to be of concern to residents because of overlooking and in some cases noise and disturbance depending on the size of the terrace. Sometimes, these problems can be resolved by the installation of privacy screens but where that is not appropriate we will look to remove the roof terrace or prevent its use.

2.3 BOUNDARY WALLS AND FENCES

Cases Investigated	48
investigation concluded	45

Comment

2.3.1 Boundary wall and fences are permitted up to 1m on a front boundary and 2m in any other case, OR no higher than the previously existing boundary wall or fence, whichever is the higher. Owners often raise the height of their garden walls or fences above the permitted height to provide privacy to their gardens. This can, in some case, have a harmful effect on neighbouring residents.

2.3.2 Often these high fences are erected without any discussion/agreement with their neighbours. Officers therefore must mediate between the two owners to seek a satisfactory compromise. In most cases a compromise is found, but if not, then enforcement action can be taken if the wall/fence is found to be harmful.

2.4 EYESORE PROPERTIES AND SITES

Investigated	17
Investigation concluded	14
S215 Notices issued	1

Comment

2.4.1 The investigation of untidy sites and premises is jointly carried out by planning enforcement and referred to the private sector housing team where the property has remained vacant for a period of time.

2.5 SATELLITE DISHES

Cases Investigated	70
Investigation concluded	58

Comment

2.4.1 Planning permission is not normally needed for satellite dishes on residential properties, except in conservation areas when they are on the front of the building. Multiple dishes are often installed on buildings containing multiple flats and finding those responsible can be a problem and time consuming.

2.4.2 The installation of satellite dishes on residential properties is a concern in that, they can be both visually unsightly and harmful to the character and appearance of the conservation area. Fortunately with the introduction of cable tv there has been a considerable reduction in the number of unauthorised satellite dishes.

2.6 ESTATE AGENTS BOARDS

Investigated	218
Investigation concluded	189

2.7 SHORT TERM/HOLIDAY LETS

Investigated	17
Investigation concluded	16

In 2015 The Deregulation Act was introduced. The purpose of the Act was to remove the powers imposed on London Planning Authorities; in line with the rest of the Country, to permit the letting in part or whole of a residential premises for short term /holiday let for a period not exceeding 90 days in each calendar year. This is because the government's view is that people should be able to let out their properties on short term basis and make money from this as long as this does not become the main way the property is used because of the impacts that would have on housing supply. This has removed much of the powers the Local Planning

Authority within London may have had to successfully control this type of use in the short term.

This coincided with the emergence of 'airbnb' and other letting websites. In practice, what this means, is the council has no planning powers to enforce against an owner who is letting their property on a short-term basis. It will not be until an owner has exceeded their 90 day allowance. However, this does not necessarily have to be a continuous period; potentially it could be 7 days a month over 12 months. Monitoring this and proving that a breach has occurred is fraught with difficulty and almost impossible to enforce.

A forum has been created by London Planning authorities who have expressed concerns because of difficulties in gathering evidence to prove that the lettings have exceeded the 90 days.

3. APPEALS

3.1 When an enforcement notice is served on an offender they have a right of appeal.

Appeals Received	16
Appeals Allowed	1
Appeals dismissed	4

4. PROSECUTION

4.1 Occasionally enforcement action will lead to the prosecution of the offender in the Magistrates Court. This only occurs when the offender fails to comply with the enforcement notice or, in the case of advertisements, continually displays illegal adverts.

- Falafel Van, O/S Central Line Station Uxbridge Road, Court hearing ongoing

5. PROACTIVE ENFORCEMENT

5.1 ESTATE AGENTS BOARDS

We are continuing to monitor the Regulation 7 area, only one illegal board was erected by and Estate Agent who was new to the boro.

Investigated	212
Notices issued	35
Complied with	221

5.2 Regulation 7

We have 6 Regulation areas across the borough, where estate agents are not permitted to display boards without first getting consent.

Olympia & Avonmore Regulation 7 area

This covers part of the Olympia & Avonmore Conservation Area

Gunter Estate Regulation 7 area

This covers part of the Gunter Estate Conservation Area

Hammersmith Grove Regulation 7 area

This includes all properties in the Hammersmith Grove conservation area

Harwood Road Regulation 7 area

This covers parts of the Moore Park, Parsons Green, and Walham Green conservation areas

Barons Court Regulation 7

This covers properties in the Barons Court Conservation Area

Sinclair Road Regulation 7 area

This covers the Lakeside/Sinclair/Blythe Road and Brook Green Conservation Areas

5.2.1 They are regularly monitored by officers, and residents are also able to report boards to us at enfcomplaints@lbhf.gov.uk. Officers have taken a “zero tolerance approach” in seeking the prosecution of agents displaying boards in these areas. This has been very successful and the result has been that all Regulation 7 areas remain virtually free of boards.

5.2.2 This remains a very popular initiative with residents and has resulted in significant improvements in the appearance of residential streets.

5.2.3 In other parts of the Borough, estate agents do not require consent from the council for the display of these advertising boards subject to various standards.

5.3

7. CONCLUSION

We remain primarily a reactive service in dealing promptly with complaints (service requests) received from the public. However, the team will continue to progress with its proactive initiatives relating to estate agent's boards, which have been strongly supported by residents.