

**PLANNING APPLICATIONS COMMITTEE
ENFORCEMENT PERFORMANCE REVIEW
January to June 2018**

This report provides an update on the team's performance and successes over the period 1st January 2018 to 30th June 2018

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1. INTRODUCTION

- 1.1 I am pleased to report that the Local Enforcement Plan for Planning was approved by Cabinet on 10th September 2018. This is now available for public viewing on the H&F Council Website. This report provides a review of the annual performance and achievements of the planning enforcement team January to June 2018.
- 1.2 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 June 2018

Received reported breaches of planning control	679
Investigations were completed	647
Enforcement Notices issued	20
Estate Agents Boards Notices Issued	63
Notices complied with	50
Investigations concluded	94% in 8 weeks 95% in 12 weeks

- 1.6 Major developments are required as part of their permission 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

2.1 ROOF AND REAR EXTENSIONS

Cases Investigated	290
Investigations completed	247
Enforcement Notices issued	4
Enforcement Notice complied with	2

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	30
Investigations concluded	23
Enforcement Notice issued	2
Enforcement Notice complied with	3

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
Enforcement Notices issued	0
Enforcement Notices complied with	2

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 harmful.

2.4 SATELLITE DISHES

Cases Investigated	37
Investigation concluded	30
Enforcement Notices issued	0
Enforcement Notices complied with	0

Comment

2.4.1 The installation of satellite dishes on residential properties is a continuing problem. They can be both visually unsightly and harmful to the character and appearance of the conservation area.

2.4.2 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 large properties of flats and finding those responsible can be a problem and time consuming.

2.5 ESTATE AGENTS BOARDS

Investigated	218
Investigation concluded	189
Enforcement notices issued	63
Enforcement notice complied with	62

2.6 SHORT TERM/HOLIDAY LETS

We have investigated a number of complaints regarding short-term letting. Following the amendment to the Deregulation Act in 2015 it is permitted to use residential properties as short stay/holiday accommodation for up to 90 days a year. The complaints are mainly regarding noise disturbance from guests coming and going, and there is also concern over the loss of permanent housing. London Planning authorities 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	4
Appeals Allowed	2
Appeals dismissed	1

Appeals allowed	
709 Fulham Road	Hours of opening of a spinning class Gym extended from 07:00 to 06:00am
40 Settrington Road	Basement excavation up to 75% of the rear garden

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.

- **28 Campana Road – Untidy site**, Scaffolding Due in Court in November 2018
- **r/o 44 to74 Emlyn Road Breach of condition** reversing into site total fine £4,850, due in court again in November 2018
- **149 Goldhawk Road plastic canopy** at the front of the restaurant due in court October 2018
- **48 Gastein Road W6 Additional floor on the back addition.** Erection of an additional floor at roof level without planning permission and despite council advice. The development is the subject of legal proceedings, so far there have been 4 court adjournments. The Council has attempted to negotiate less remedial works without success. The matter is due to go to trial in January 2019.

5. PROACTIVE ENFORCEMENT

5.1 ESTATE AGENTS BOARDS

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

Investigated	163
Notices issued	53
Complied with	50

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 EYESORE PROPERTIES AND SITES

Investigated	17
Investigation concluded	14
S215 Notices issued	1

5.3.1 The investigation of untidy sites and premises is jointly carried out by planning enforcement and the private sector housing team.

6. H&F LOCAL ENFORCEMENT PLAN

AND FINALLY, The H&F Local Enforcement Plan was approved by Cabinet on 10th September 2018; and has now been published on the Councils Planning Website. The Plan sets out the processes and procedures for investigating Breaches of Planning Control, and the powers we have to take enforcement action.

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, members.

Improvements in the Council’s Planning Enforcement website ensures that the public have much greater access to our services with the facility to report online all

possible breaches of planning control. Complainants details will continue to remain confidential thereby removing any fears that the public may have in reporting illegal planning activity.