

TEIGNBRIDGE DISTRICT COUNCIL

**PLANNING COMMITTEE
ENFORCEMENT REPORT**

CHAIRMAN: Cllr Colin Parker

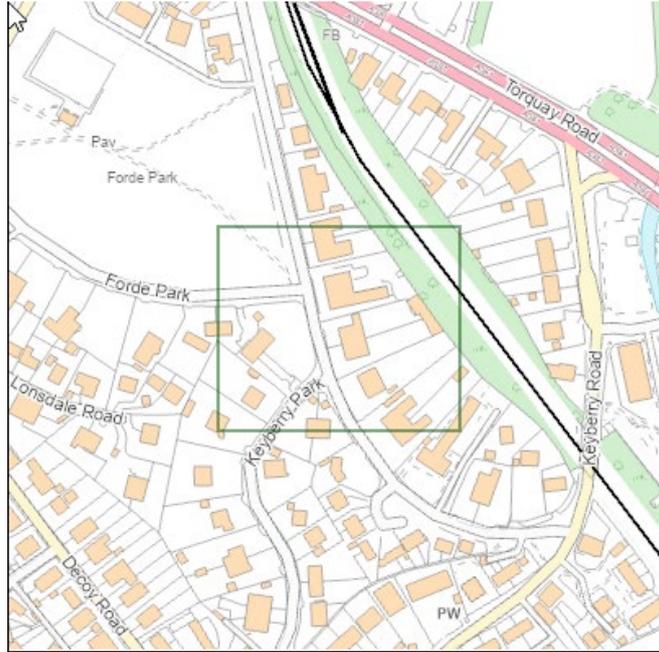


DATE:	19 March 2024	
REFERENCE NO:	22/00127/ENF	
SITE:	Hawthorn House, 6A Forde Park, Newton Abbot	
ENFORCEMENT ISSUE:	Unauthorised replacement windows	
REASON FOR COMMITTEE CONSIDERATION:	Officers have decided to take enforcement action and a Member has challenged that decision (<i>see Teignbridge District Council Enforcement Policy dated 30 June 2017, Appendix B, paragraph B3</i>)	
RECOMMENDATION:	It be resolved that: i) An ENFORCEMENT NOTICE be issued; and ii) In the event of the notice not being complied with, authorisation be given to take further action as necessary including proceeding to prosecution.	
WARD MEMBERS:	Cllr Janet Bradford Cllr Liam Mullone	College



Kevberry House

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1. THE ALLEGED BREACH OF PLANNING CONTROL & ENFORCEMENT INVESTIGATION FINDINGS

1.1 Hawthorne House is one of a number of residential units that were created within two large, two storey Victorian villas that were previously used as one residential care home. The key facts in this case are as follows:

- The site is located within the Forde Park Conservation Area.
- Works were carried out to replace the original timber windows with new uPVC ones without planning permission.
- A planning application (reference 22/00897/HOU) for the retention of replacement ground floor and first floor windows. However, this was refused on 22 June 2023.

2. BACKGROUND & CONTEXT

2.1 In April 2022 the Council received a complaint that works had been carried out to remove the existing timber windows at Hawthorne House, 6A Forde Park, Newton Abbot and replace them with uPVC ones. As it was considered to be the introduction of a new material and the property was viewed as a flat planning permission was required for the works. As such the owner was contacted and advised to remedy the breach.

2.2 To determine whether the works carried out were acceptable the owner submitted a planning application (reference 22/00897/HOU) for the

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retention of replacement ground floor and first floor windows. However, as the windows were considered to be unacceptable the application was refused on 22 June 2023. Since then, no appeal has been submitted and no works have been carried out to remove the unauthorised uPVC windows. As such to remedy the planning breach it is necessary to serve an Enforcement Notice.

- 2.3 To progress the matter a delegated Enforcement Report was prepared and sent to the Ward Councillors setting out why enforcement action should be taken. However, there was a request not to take any further action. For this reason, a report has been prepared for the Planning Committee to consider the proposed course of action.

3. PLANNING CONSIDERATIONS FOR ENFORCEMENT ACTION

- 3.1 It was considered that the works carried out to replace the timber windows with uPVC ones required planning permission. As no planning permission has been granted it is necessary to consider enforcement action to remedy the breach. As the windows installed are considered unacceptable due to their design and the materials used, they result in the loss of important historic character in the Forde Park Conservation Area to the detriment of both the host property and the surrounding area.
- 3.2 In this instance the windows installed are contrary to Policies S1 (Sustainable Development Criteria), S2 (Quality Development) and EN5 (Heritage Assets) of the Teignbridge Local Plan 2013-2033 as well as the guidance contained within the Newton Abbot Forde Park Conservation Management Plan.
- 3.3 The Policies of the Local Plan reflect the Core Principles as set out under the Government's National Planning Policy Framework (NPPF) and the National Planning Policy Guidance which has an emphasis on ensuring good design and protecting historic assets. It is considered that in this instance the unauthorised windows fail to uphold the principles of the NPPF for the reasons as set out above.
- 3.4 Officers consider enforcement action is necessary and expedient to ensure the unauthorised windows are removed. This is considered to be expedient and in the public interest in order to support and maintain the delivery of the Strategy of our Local Plan to avoid inappropriate development and maintaining good design which protects the character and appearance of the area.

4 RECOMMENDATION

- 4.1 The Committee is recommended to resolve:

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To serve an Enforcement Notice to:

- i) Remove the unauthorised windows.

The compliance period for both is recommended to be six months.

In the event of the Notice not being complied with, authorisation is given to take action as necessary including proceeding to prosecution.

5 HUMAN RIGHTS ACT

- 5.1 The recommendation has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.