

City Development
 Planning Control and Conservation

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St Aldate's Chambers
 109 – 113 St Aldate's
 Oxford OX1 1DS

Central Number 01865 249811

www.oxford.gov



Ref No: 12/00635/ENF

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

OXFORD CITY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE
(Operational Development)

ISSUED BY: OXFORD CITY COUNCIL

Re: 73 Dene Road Oxford Oxfordshire OX3 7EQ

1. **THIS NOTICE** is issued by the Council because it appears 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. It considers 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 73 Dene Road Oxford Oxfordshire OX3 7EQ shown edged red on the attached plan.

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

(i) Without planning permission the erection of a single storey outbuilding.

4. REASONS FOR ISSUING THIS NOTICE

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

(ii) Having regard to the size of the curtailage of the site, it is considered the proposal represents overdevelopment of that site that would not provide for a good standard of external environment for future occupiers, and as such is contrary to Policy CS18 of the adopted Core Strategy 2011 and HP14 of the Sites and Housing Plan (2013).



**INVESTORS
 IN PEOPLE**

- (iii) Having regard to the scale, location and proximity of the unauthorised outbuilding to neighboring properties, it is considered detrimental to the area, by reason of introducing a large outbuilding to an inappropriate backland location in a way which would be contrary to Policy CS18 of the adopted Core Strategy 2011, Policies CP1, CP6 and CP8 of the adopted Oxford Local Plan 2001-2016 and HP14 of the Sites and Housing Plan (2013).

NB. Copies of all of the policies listed above can be found in Appendix A.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Demolish the unauthorised outbuilding to the rear of 73 Dene Road.
- (ii) Remove all materials, rubble and hardstanding from the site of the unauthorised outbuilding at the rear of Dene Road.

6. TIME FOR COMPLIANCE

- (i) Three months after this notice takes effect.
- (ii) Four months after this notice takes effect

7. WHEN THE NOTICE TAKES EFFECT

The Notice takes effect on **1st March 2013** unless an appeal is made against it beforehand.

Dated: 30th January 2013

Signed:- 

Michael Crofton – Briggs
Head of City Development
On behalf of OXFORD CITY COUNCIL
St Aldate's Chambers
109-113 St Aldate's
Oxford
OX1 1DS

ANNEX

YOUR RIGHT OF APPEAL

Town and Country Planning Act 1990 as amended.

Enforcement Notice relating to land at 73 Dene Road Oxford Oxfordshire OX3 7EQ

This local planning authority, Oxford City Council, has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on **1st March 2013** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the attached information sheet from The Planning Inspectorate, which tells you how to make an appeal.

Please note that a separate appeal form must be completed for each individual person or organisation.

If you decide to appeal you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days. You must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **1st March 2013**.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

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 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.

FEES

If a fee is payable in respect of an appeal lodged against this Enforcement Notice, the amount of the fee and the arrangements for its payment will be notified to you by the Planning Inspectorate.

PERSONS SERVED WITH THIS NOTICE

The persons served with this Notice are:-

Tarsem Singh Turna
73 Dene Road
Headington
Oxford
OX3 7EQ

The Occupiers
73 Dene Road
Headington
Oxford
OX3 7EQ

The Manager
Bank of Scotland PLC
The Mound
Edinburgh
EH1 1YZ



The Planning Inspectorate

CST Room 3/05	Direct Line	0117-372 6372
Temple Quay House		
2 The Square	Switchboard	0117-372 8000
Temple Quay	Fax No	0117-372 8782
Bristol BS1 6PN		

www.planning-inspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs); or
- by getting enforcement appeal forms by phoning us on 0117 372 6372 or by emailing us enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

APPENDIX A

POLICY CP.1 - DEVELOPMENT PROPOSALS

Planning permission will only be granted for development which:

- a. shows a high standard of design, including landscape treatment, that respects the character and appearance of the area; and
- b. uses materials of a quality appropriate to the nature of the development, the site and its surroundings; and
- c. is acceptable in respect of access, parking, highway safety, traffic generation, pedestrian and cycle movements including, where appropriate, links to adjoining land; and
- d. provides buildings and spaces with suitable access arrangements and facilities for use by all members of the community with special access needs.

Where relevant, development proposals must also:

- e. retain and protect important landscape and ecological features, and provide for further landscape treatment where appropriate to the nature of the area or to safeguard the local amenity; and
- f. retain important open spaces of recreational or amenity value or both; and
- g. preserve or enhance the special character and setting of listed buildings and conservation areas; and
- h. preserve the site and setting of Scheduled Ancient Monuments or sites of special local archaeological significance; and
- i. safeguard public rights of way and the amenities of adjoining land users and occupiers, including the provision of alternative rights of way of equal or enhanced quality.

POLICY CP.6 - EFFICIENT USE OF LAND & DENSITY

Planning permission will only be granted where development proposals make maximum and appropriate use of land.

Development proposals must make best use of site capacity, in a manner compatible with both the site itself and the surrounding area, as well as addressing the following criteria:

- a. the intensity of development must be appropriate for the use proposed;
- b. the scale of development, including building heights and massing, should be at least equivalent to the surrounding area, although larger-scale proposals will be encouraged in appropriate locations;
- c. opportunities for developing at the maximum appropriate density must be fully explored;
- d. built form and site layout must suit the site's capacity; and
- e. parking levels must be appropriate to the use proposed.

Residential developments should generally be above 40 dwellings per hectare, with higher density development expected on appropriate sites.

POLICY CP.8 · DESIGNING DEVELOPMENT TO RELATE TO ITS CONTEXT

All new and extended buildings should relate to their setting to strengthen, enhance and protect local character. Planning permission will only be granted where:

- a. new development is well connected to, and integrated with, the wider area;
- b. the siting, massing and design of proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area;
- c. building design is specific to the site and its context and should respect, without necessarily replicating, local characteristics, and should not rule out innovative design; and
- d. proposed development on sites with a high public visibility enhances the style and perception of the area, particularly by retaining features which are important to, and remove features which detract from, the character of the local area.

In addition, in and adjacent to conservation areas, new development needs to have special regard for the character and appearance of the area.

Policy CS18

Urban design, townscape character and the historic environment

Planning permission will only be granted for development that demonstrates high-quality urban design through:

- responding appropriately to the site and its surroundings;
- creating a strong sense of place;
- being easy to understand and to move through;
- being adaptable, in terms of providing buildings and spaces that could have alternative uses in future;
- contributing to an attractive public realm;
- high quality architecture.

Development proposals should respect and draw inspiration from Oxford's unique historic environment, above and below ground, responding positively to the character and distinctiveness of the locale. Development must not result in loss or damage to important historic features, or their settings, particularly those of national importance and, where appropriate, should include proposals for enhancement of the historic environment, particularly where these address local issues identified in, for example, conservation area charts, or appraisal or management plans. Views of the skyline of the historic centre will be protected.

POLICY HP14 PRIVACY AND DAYLIGHT

Planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. The following factors will be considered:

- a. whether the degree of overlooking to and from neighbouring properties or gardens resulting from the development significantly compromises the privacy of either existing or new homes, and**
- b. the orientation of windows in both existing and new development, in respect of access to daylight, sunlight and solar gain (i.e. natural heating from direct sunlight), and**
- c. existing and proposed walls, hedges, trees and fences, in respect of protecting or creating privacy, and also in respect of their impact on overshadowing both existing and new development.**

Planning permission will not be granted for any development that has an overbearing effect on existing homes.

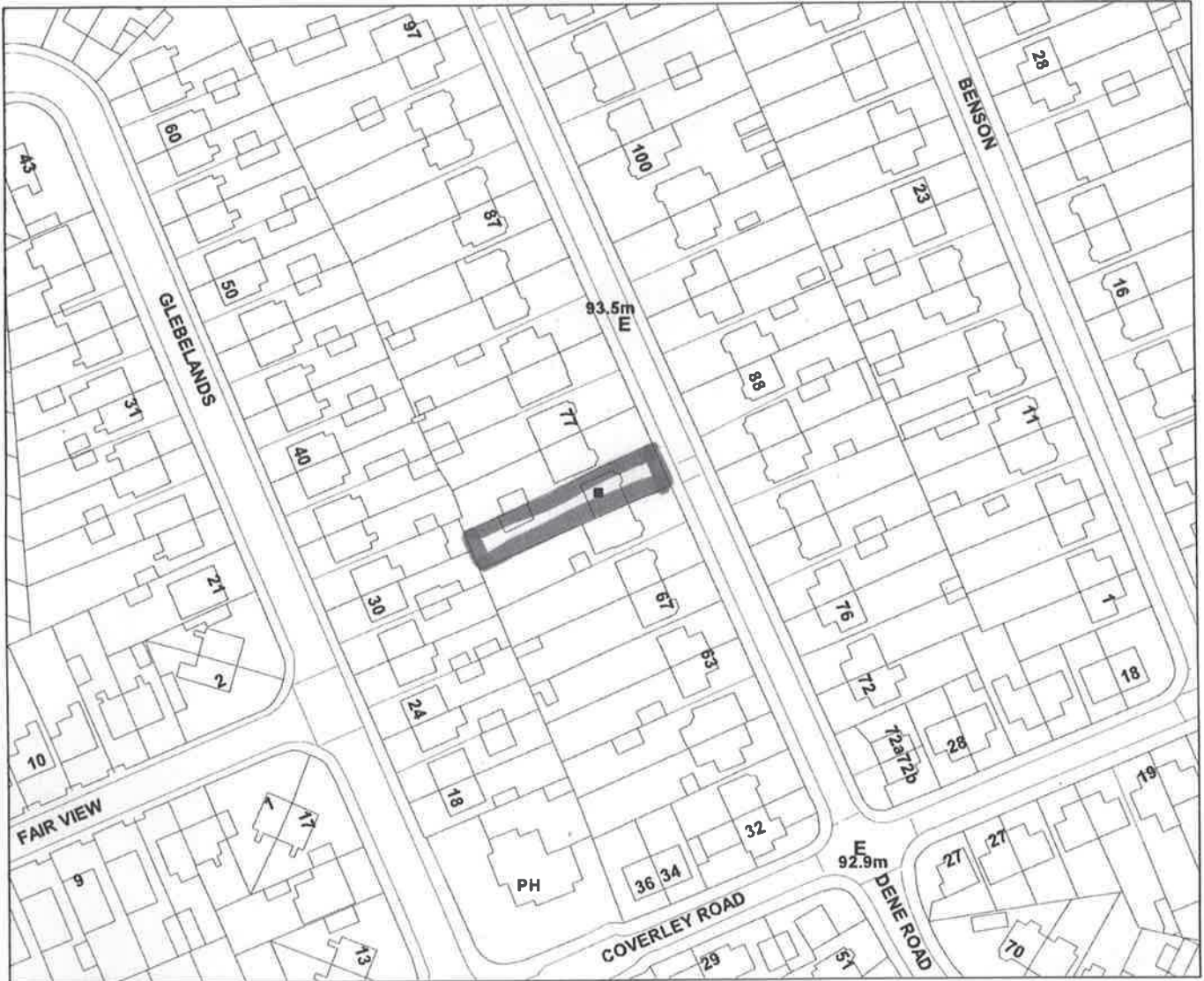
In respect of access to sunlight and daylight, the 45° guidelines will be used, as illustrated in Appendix 7, alongside other material factors.

73 Dene Road

Not Set



GIS by ESRI (UK)



Legend



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Organisation	Not Set
Department	Not Set
Comments	Not Set
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