

**COMMITTEE:** DEVELOPMENT CONTROL

**DATE:** 31ST JANUARY 2007

**SUBJECT:** 107 CUTENHOE ROAD: BUILDING NOT IN COMPLIANCE WITH APPROVED PLANS

**REPORT BY:** DEVELOPMENT CONTROL MANAGER

**CONTACT OFFICER:** IAIN BLACKLEY 546305

**IMPLICATIONS:**

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

**WARDS AFFECTED: SOUTH**

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**PURPOSE**

1. To advise Members of unauthorised works at the rear of 107 Cutenhoe Road and to seek their authority to commence formal enforcement action.

**RECOMMENDATION(S)**

2. The Development Control Committee is recommended to authorise the service an enforcement notice in order to secure compliance with planning decision notice reference 04/00348/FUL, dated 18<sup>th</sup> May 2005.

**BACKGROUND**

3. 107 Cutenhoe Road is a semi-detached house in a street comprised mainly of residential properties.

4. Recent and most relevant planning history concerns a consent granted in May 2004 for the erection of a first floor side and single storey rear extension (Council Reference 04/00348/FUL). In particular, the approved single storey rear extension was shown on the plans constructed with a pitched roof.

## **REPORT**

5. The permission is in the process of being implemented and the works are now substantially complete.
6. Following receipt of a complaint in June 2006, a site inspection has confirmed that the roof of the single storey rear extension had not been constructed entirely in accordance with the approved plans. An unfenced balcony area, with French door access, had been incorporated into the roof, resulting in the potential for overlooking and loss of privacy to adjoining residential occupiers. Photographs of the unauthorised balcony and French windows will be displayed at the meeting.
7. All subsequent attempts to resolve the issue by negotiation have been met with little response and, despite an assurance received in October that the works would be amended to comply with the approved plans, no attempt has been made to rectify the unauthorised works.
8. It is expedient to commence formal enforcement action for the following reason: The balcony, by virtue of its location, injuriously affects the amenities of the adjoining property, No 105 Cutenhoe Road, by reason of overlooking and loss of privacy. The balcony is thereby contrary to Luton Local Plan Policies H4 and IMP3.

## **LIST OF BACKGROUND PAPERS**

### **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

9. File Reference 04/00348/FUL
10. There are no other background papers relating to this report other than those which disclose exempt information within the meaning of Section 100A and Schedule 12A to the Local Government Act 1972.