

IMPORTANT - THIS COMMUNICATION
AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT



The Town and Country Planning Act 1990 (as amended)

ISSUED BY THE CITY AND COUNTY OF SWANSEA (“The Council”)

COUNCIL REFERENCE ENF2018/0285

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control under Section 171A(1)(a) of the Town and Country Planning Act 1990 at the land described below. They consider that it is expedient to issue this Notice having regard to the provisions of the development plan and all other material planning considerations. The **annex** at the end of the Notice contains important additional information.

2. **THE LAND TO WHICH THIS NOTICE RELATES**

Land at 86 Caemawr Road Morryston Swansea SA6 7EA in the City and County of Swansea (“the Land”), shown edged red on the plan appended hereto (“the Plan”).

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

Without planning permission, the erection of a boundary fence along the boundary with No 84 Caemawr Road, Morryston (marked in blue on the attached plan), decking and a gazebo .

4. **REASONS FOR ISSUING THIS NOTICE**

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

The raised decked area, by virtue of the relationship between the vantage points from the decked area and ground floor habitable room windows at the rear of 84 Caemawr Road (adjacent neighbour to the north east), gives rise to an unacceptable increase in overlooking impact and increased perception of overlooking on the rear amenity space and rear habitable room windows of No.84. As a result, the retention of the works would give rise to an unacceptable adverse impact on the residential amenity of the neighbouring property.

In an attempt to remedy the harm identified above, a boundary fence has been erected along part of the boundary with No 84 Caemawr Road. Whilst this fence mitigates the unacceptable increase in overlooking impact and increased perception of overlooking, it is considered that due to the height of the fence, it has an unacceptable overbearing impact and overshadowing effect on the private amenity space of the occupiers of 84 Caemawr Road to the detriment of visual amenity.

As such, the development is considered to be contrary to Policy PS2 of the Swansea Local Development Plan 2019 and the design principles contained in the Supplementary Planning Guidance Document entitled 'A Design Guide for Householder Development' (2008).

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the decking
- ii) Remove the decking and gazebo.
- (iii) Remove the fence as indicated on the attached plan marked in blue.
- (iv) Plant a replacement privet hedge (*Ligustrum ovalifolium*) along the boundary with 84 Caemawr Road between the existing hedge and existing boundary fence. The hedge should be 120cm to 150cm specimens (5 litre pots) planted in two staggered rows at 225mm apart at 450mm centres (5 plants per linear metre).

6. TIME FOR COMPLIANCE

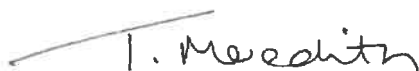
- (i) One day beginning with the date this notice takes effect.
- (ii) Three months beginning with the day on which this notice takes effect.
- (iii) Three months beginning with the day on which this notice takes effect.
- (iv) Three months beginning with the day on which this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 15th July 2019, unless an appeal is made against it before that date.

Dated: 14th June 2019

Signed:



Designation: **Chief Legal Officer**
The Council's Authorised Officer

Address to which all communication should be sent:

Phil Holmes
Head of Planning and City Regeneration
City and County of Swansea
Civic Centre
Oystermouth Road
Swansea
SA1 3SN

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate appointed by the National Assembly for Wales before the date specified in paragraph 7 of the Notice. The below information provides advice on how to appeal. Please read the information carefully along with the relevant appeal form.

HOW TO APPEAL

The Planning Inspectorate has produced a booklet on "Making your Enforcement Appeal". You can access a PDF version of the booklet from the Planning Inspectorate website to print <http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/enforcement-appeals/?lang=en>.

Appeals can be made online from the Appeals Casework Portal at <https://acp.planninginspectorate.gov.uk/> and copies of the relevant appeal form can be obtained from the Planning Inspectorate

Address : The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
Telephone : Telephone: 0303 444 5962
E-mail : wales@pins.gsi.gov.uk

or downloaded from the following website:
<http://gov.wales/topics/planning/appeals/appeal-guidance-and-information/enforcement-appeals/?lang=en>

If you decide to appeal you should send a copy of the appeal form together with a copy of the Enforcement Notice to both the Planning Inspectorate and the Council.

ENFORCEMENT NOTICE APPEAL FEES

Should you choose to appeal this Notice on the grounds that planning permission should be granted for what is alleged in the Notice (Ground a) you are required to pay a fee to the Local Planning Authority. The fee payable in this instance is **£380.00** Payments can be made to the City & County of Swansea Council, Planning Control, Civic Centre, Oystermouth Road, Swansea SA1 3SN quoting the reference number as specified on the Enforcement Notice.

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 the Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

PLEASE NOTE

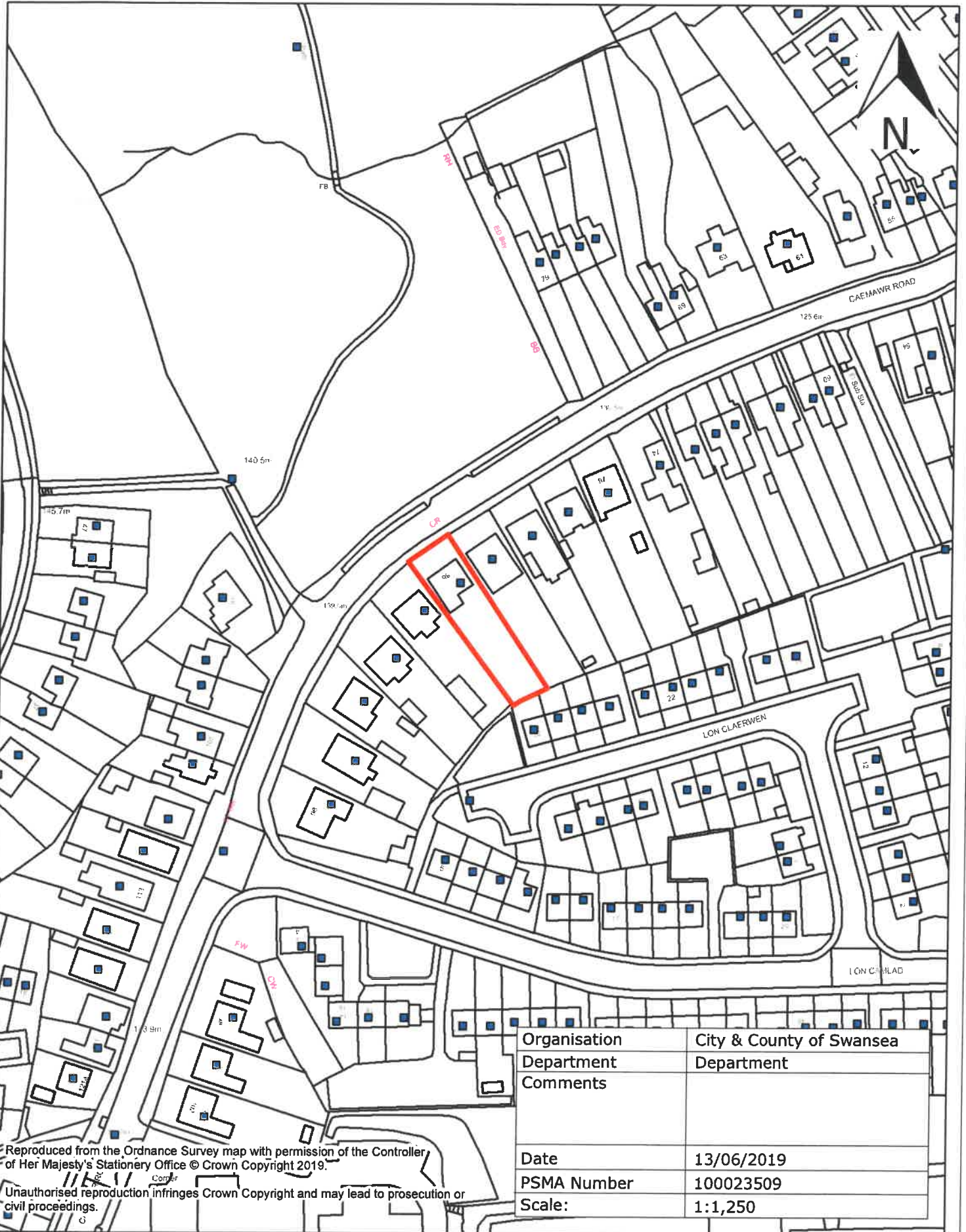
If you need any independent advice about this Notice you are advised to contact a lawyer, planning consultant or other professional advisor specialising in planning matters.

PERSONS TO WHOM THIS ENFORCEMENT NOTICE HAS BEEN SERVED

In accordance with Section 172(2) of the Town and Country Planning Act 1990 (as amended) this Notice has been served on:

- 1. Robert Wayne Hurlow, 86 Caemawr Road, Morriston, Swansea SA6 7EA**
 - 2. Deborah Joanne Hurlow, 86 Caemawr Road, Morriston, Swansea SA6 7EA**
 - 3. Principality Building Society, PO Box 89, Principality Buildings, Queen Street, Cardiff CF10 1UA**
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The Plan



Organisation	City & County of Swansea
Department	Department
Comments	
Date	13/06/2019
PSMA Number	100023509
Scale:	1:1,250

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Plan marked in blue



Organisation	City & County of Swansea
Department	Department
Comments	
Date	14/06/2019
PSMA Number	100023509
Scale:	1:500

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