

EAST RENFREWSHIRE COUNCIL

PLANNING APPLICATIONS COMMITTEE

13 JANUARY 2016

Report by Director of Environment

PLANNING ENFORCEMENT – 21 BRIARLEA DRIVE, GIFFNOCK

1.0 Introduction

- 1.1 This report is to request that Members authorise that formal enforcement action be taken against various unauthorised works associated with the erection of a two and a half storey rear extension at 21 Briarlea Drive, Giffnock, G46 6DS.

2.0 Background

- 2.1 In 2011 planning permission was granted for the erection of a two and a half storey rear extension to the semi-detached dwellinghouse at 21 Briarlea Drive, Giffnock under 2011/0327/TP. The planning permission also included the installation of a dormer window to the side of the house and the enlargement of the dormer window on the front elevation.
- 2.2 In 2012, soon after building works commenced, complaints were received that they did not accord with the approved plans. Site visits were then undertaken and the applicant was made aware of the need to keep to the approved planning permission or to seek approval for any changes. The changes implemented without permission include alternative arrangement of windows, doors and stairs and the introduction of an area of raised decking. In addition it became clear that the existing building was not correctly shown on the submitted plan which has resulted in the extension being built closer to the boundary with the adjoining property than had been indicated. The applicant has failed to seek to regularise the various changes carried out and the anomaly in the original plans by the submission of an amended planning application.
- 2.3 It appears that the applicant has parted company with his original architect and has not taken sufficient steps to properly appoint another architect. The applicant has increasingly become involved in the build himself and perhaps as a consequence has introduced further changes as the build has progressed. Works are still ongoing and complaints are still being received. Recent discussions have taken place with the applicant however it appears that he has no intention to submit an amended planning application in the short term.
- 2.4 While considerable works are still required to the curtilage of the house to return it to a garden, the works to the house are now largely complete. It is considered that there is no need for further delay the submission of an amended planning application.

- 2.5 The option exists to issue a Notice Requiring Application for Planning Permission for Development Already Carried Out under Section 33A of the Planning Act. This Notice would require the householder at Briarlea Drive to submit an amended planning application to seek to regularise the various changes which have been implemented and to correct the earlier plans. This Notice constitutes formal enforcement action and is likely to appear on any future property search. The Notice would also prevent the various unauthorised works becoming “lawful” after a period of 4 years and might help to alleviate fears of neighbouring property owners that further unauthorised works are planned.

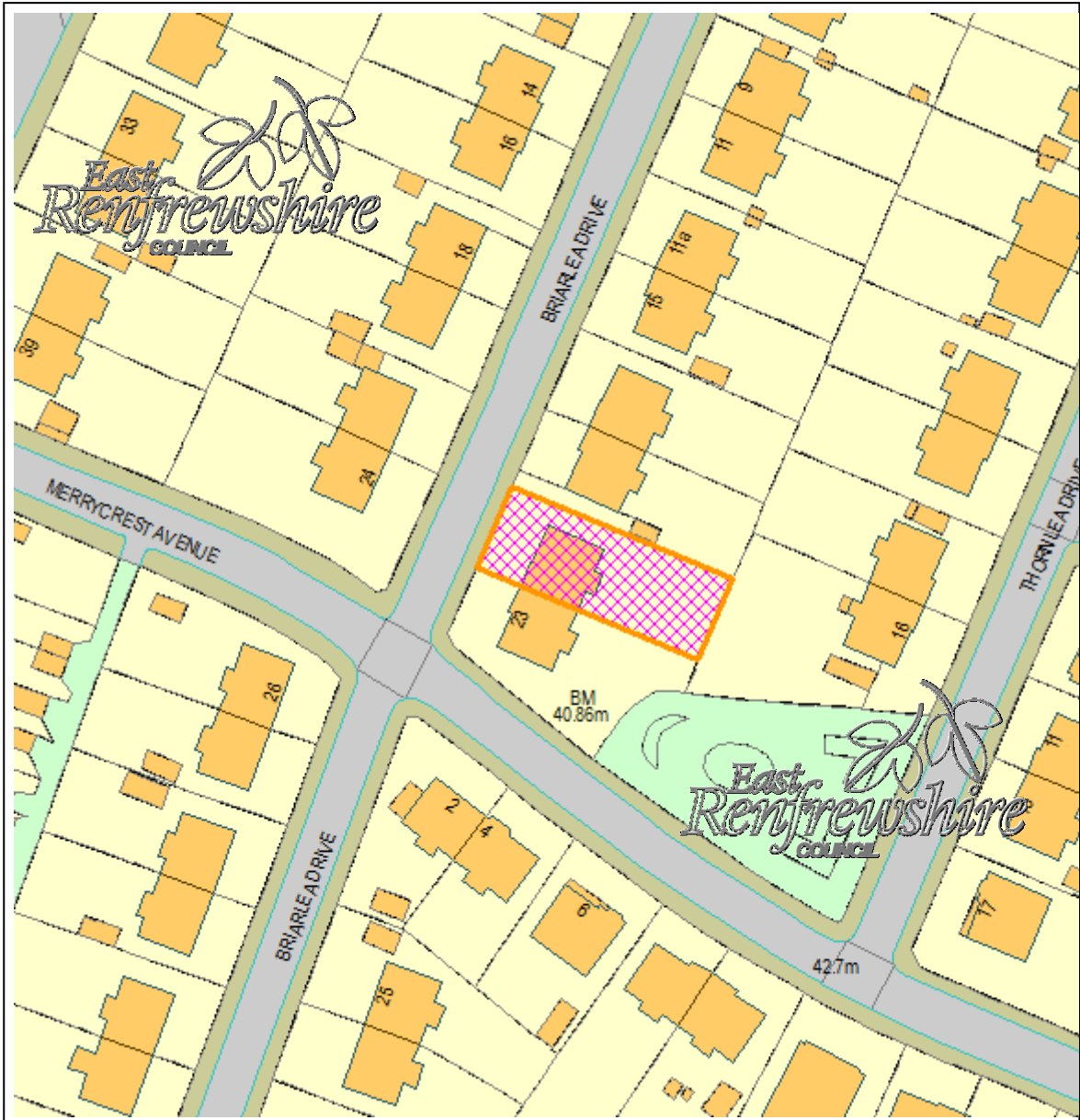
3.0 Main Issues

- 3.1 Various unauthorised changes to the approved planning permission have taken place. These changes could be considered to have at least some impact on the amenity of neighbouring householders and the character of the house. Attempts over a protracted period have failed to result in the submission of an amended planning application and the applicant shows no sign of submitting an amended planning application in the short term.
- 3.2 The issue of a Notice Requiring Application for Planning Permission for Development Already Carried Out is considered appropriate and necessary in this case.

4.0 Recommendation

- 4.1 Members are requested to authorise the service of a **Notice Requiring Application for Planning Permission for Development Already Carried Out** to require the submission of a planning application.

Director of Environment
January 2016.



Site plan
21 Briarlea Drive, Giffnock, East Renfrewshire, G46 6DS