

IMPORTANT : THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE

Issued by: North Lincolnshire Borough Council

1. THIS IS A FORMAL NOTICE which is issued by North Lincolnshire Borough Council because it appears to it that there has been a breach of planning control under paragraph (a) of section 171A(1) 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 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 AFFECTED
Land at 5 Burnham Road, Epworth, North Lincolnshire, DN9 1BU as shown edged red on Plan 1 annexed to this Notice.
3. THE BREACH OF PLANNING CONTROL ALLEGED
Without planning permission:
 - A. Construction of a first floor covered decking area with a window in the west facing front elevation, as shown marked A on Plan 2 annexed to this Notice and photographs numbered 1 to 6 in Appendix 1 annexed to this Notice.
 - B. Construction of a first-floor balcony together with supporting structure which is affixed to the ground, as shown marked B on Plan 2 annexed to this Notice and photographs numbered 7 and 8 in Appendix 1 annexed to this Notice.
 - C. Construction of a walkway at first floor level along the rear of the property as shown marked C on Plan 2 annexed to this Notice together with supporting structure which is affixed to the ground, the dwellinghouse and the roof terrace as shown marked D on Plan 2 annexed to this Notice. The walkway and supporting structure are shown in photographs numbered 9 to 19 in Appendix 1 annexed to this Notice.

- D. Creation of a roof terrace by the enclosure of the roof with walls, balustrades, posts, pillars and ornaments at the rear of the property, as shown marked D on Plan 2 annexed to this Notice and photographs numbered 16 to 19 in Appendix 1 annexed to this Notice.
- E. Creation of a roof terrace by the enclosure of the roof with metal railings, walls, posts and pillars at the rear of the property as shown marked E on Plan 2 annexed to this Notice and photographs numbered 20 to 22 in Appendix 1 annexed to this Notice.
- F. The addition of materials on top of existing render to create a geometric design on the north facing side elevation of the dwellinghouse as shown in photograph 23 in Appendix 1 annexed to this Notice.
- G. The addition of materials on top of existing render to create a geometric design on the west facing front elevation of the dwellinghouse as shown in photograph 24 in Appendix 1 annexed to this Notice.
- H. The addition of materials on top of existing render to create a geometric design on the south facing side elevation of the dwellinghouse as shown in photographs 25 and 26 in Appendix 1 annexed to this Notice.

4. REASONS FOR ISSUING THIS NOTICE

It appears to North Lincolnshire Council that the breaches of planning control have taken place during the last 4 years.

The construction of a first floor covered decking area and first floor balcony are considered by the Local Planning Authority to be out of character with the area in which the dwellinghouse is located. Their scale, design and external appearance result in an overbearing, dominating visual impact on the streetscene and neighbouring properties. The amenity of neighbouring properties is further affected by overlooking from the openings in the decking area and the balcony which is uncovered.

The appearance of the dwellinghouse itself has become overbearing, with a dominating visual impact on the streetscene and neighbouring properties from the addition of materials on top of the existing render to create geometric designs on the front and side elevations.

The construction of a first-floor walkway and the creation of two roof terraces at the rear of the property impact the amenity of neighbouring properties by overlooking.

The unauthorised development is contrary to policies DS1 and DS5 of The North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

In addition, the rear of the property has an unacceptable visual impact on properties located within the Conservation Area and upon the Listed Buildings of the Warden's House, The School Adjoining the Wesley Memorial Methodist Church and the Wesley Memorial Methodist Church. The preservation of the historic character of Epworth is important to the Local Planning Authority and this development is contrary to policies HE2 and HE5 of The North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

5. WHAT YOU ARE REQUIRED TO DO

The Council requires the following steps to be taken:

- i) Demolish the first floor covered decking area with a window in the west facing front elevation, as shown marked A on Plan 2 annexed to this Notice and photographs numbered 1 to 6 in Appendix 1 annexed to this Notice; and
- ii) Demolish the first floor balcony together with all of the supporting structure, as shown marked B on Plan 2 annexed to this Notice and photographs numbered 7 and 8 in Appendix 1 annexed to this Notice; and
- iii) Demolish the walkway at first-floor level along the rear of the property as shown marked C on Plan 2 annexed to this Notice and photographs numbered 9 to 15 in Appendix 1 annexed to this Notice; and
- iv) Remove all the supporting structure for the walkway from the dwellinghouse, ground and the roof terrace as shown marked D on Plan 2 annexed to this Notice and photographs numbered 9 to 19 in Appendix 1 annexed to this Notice; and
- v) Remove all the means of enclosure of the roof: walls, balustrades, posts, pillars and ornaments at the rear of the property as shown marked D on Plan 2 annexed to this Notice and photographs numbered 16 to 19 in Appendix 1 annexed to this Notice; and
- vi) Remove all the means of enclosure of the roof: metal railings, walls, posts and pillars at the rear of the property as shown marked E on Plan 2 annexed to this Notice and photographs numbered 20 to 22 in Appendix 1 annexed to this Notice; and
- vii) Remove all the materials from on top of the render from the north facing side elevation of the dwellinghouse as shown in photograph 23 in Appendix 1 annexed to this Notice; and
- viii) Remove all the materials on top of the render from the west facing front elevation of the dwellinghouse as shown in photograph 24 in Appendix 1 annexed to this Notice; and
- ix) Remove all the materials on top of the render from the south facing side elevation of the dwellinghouse as shown in photographs 25 and 26 in Appendix 1 annexed to this Notice; and

- x) Repair any damage to the render from the removal of the materials and paint any repairs in a matching colour to the render; and
- xi) Restore the roof to the extension as shown marked A on Plan 2 annexed to this Notice in accordance with the design shown in photographs 1 and 2 in Appendix 2 annexed to this Notice; and
- xii) Remove all materials from the demolition of the structures from the site.

6. TIME FOR COMPLIANCE

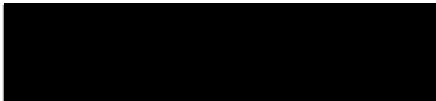
Twelve months beginning with the date that this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 06 July 2023 unless an appeal is made against it beforehand.

Dated: 11 May 2023

Signed:

A black rectangular box used to redact the signature of H. Manderson.

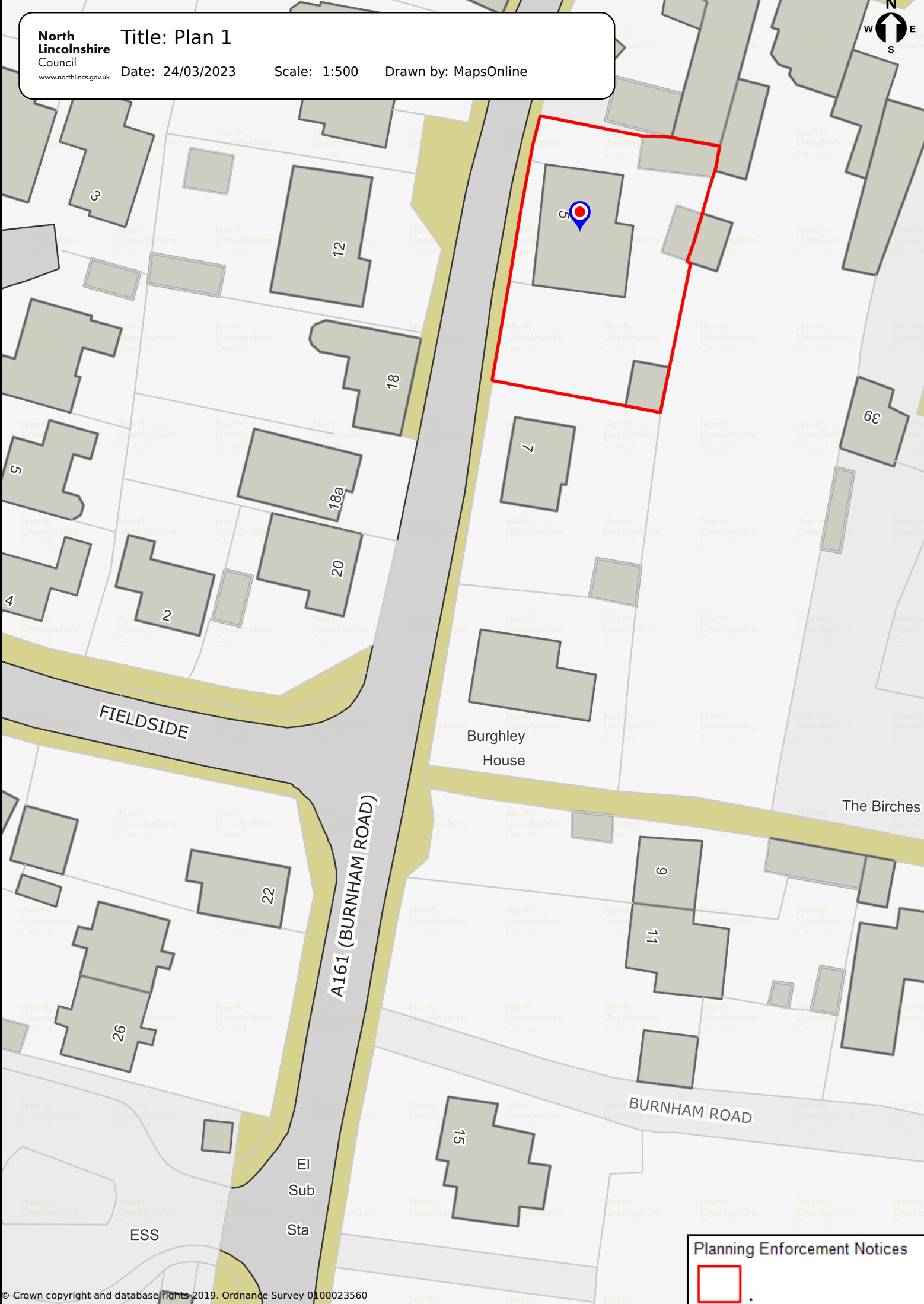
H. Manderson
Director of Economy & Environment
On behalf of North Lincolnshire Borough Council

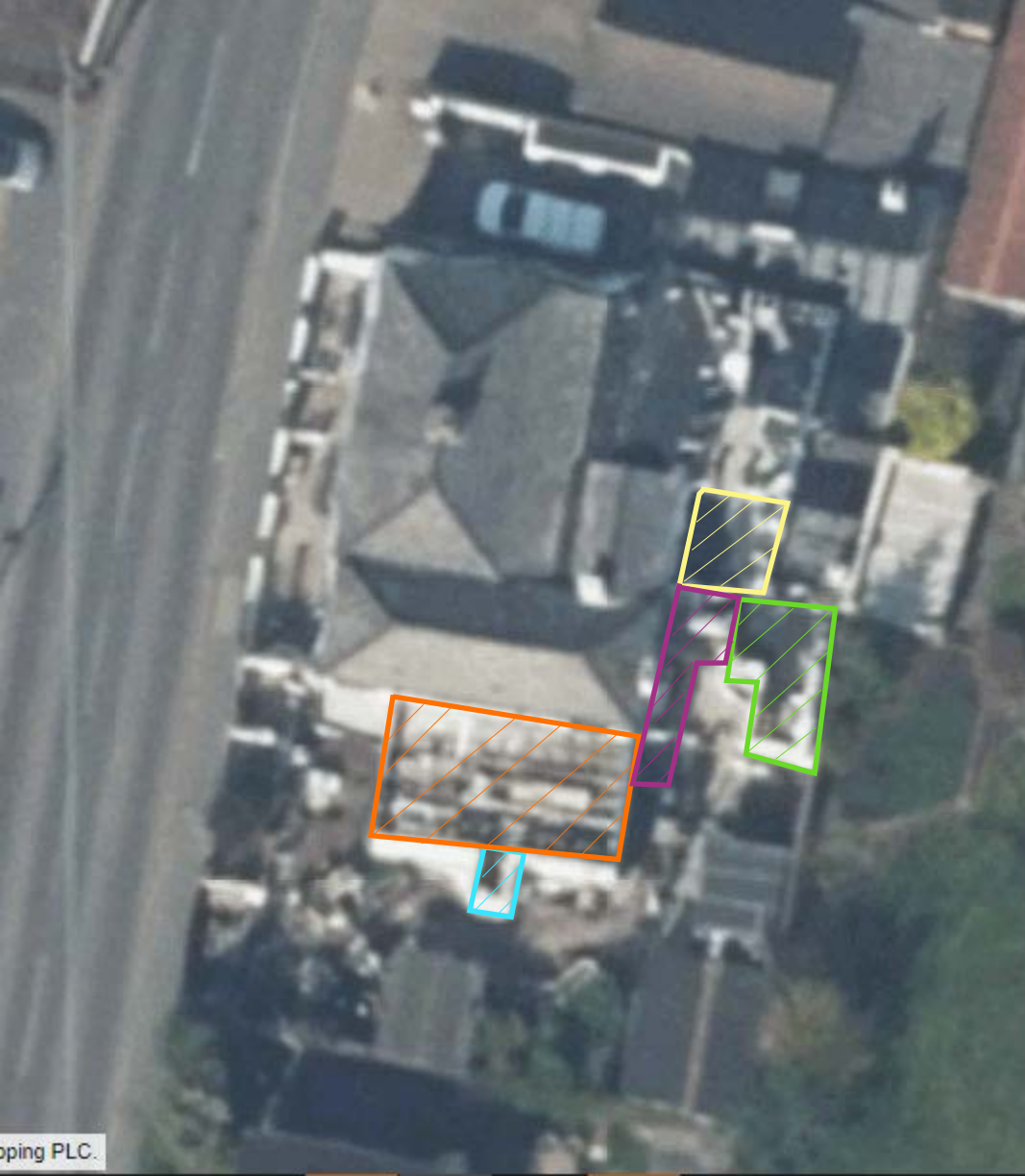
ANNEX

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 Secretary of State by the date specified in paragraph 7 of the notice. The Enforcement Notice Appeals – a Guide to Procedure sets out your rights and may be found at <http://www.planningportal.gov.uk/planning/appeals/enforcementappeals> .

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.





Key



A



B



C



D



E

Appendix 1

Photograph 1



Photograph 2



Photograph 3



Photograph 4



Photograph 5



Photograph 6



Photograph 7



Photograph 8



Photograph 9



Photograph 10



Photograph 11



Photograph 12



Photograph 13



Photograph 14



Photograph 15



Photograph 16



Photograph 17



Photograph 18



Photograph 19



Photograph 20



Photograph 21



Photograph 22



Photograph 23



Photograph 24



Photograph 25



Photograph 26



Appendix 2

Photograph 1



Photograph 2

