

Decision Maker: PLANS SUB-COMMITTEE NO. 2

Date: Thursday 17 October 2013

Decision Type: Non-Urgent Non-Executive Non-Key

Title: 15 OAKLEY DRIVE, BROMLEY, BR2 8PL

Contact Officer: Mick Lane, Planning Enforcement Officer
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Chief Officer: Chief Planner

Ward: Bromley Common and Keston

1. Reason for report

A S215 Notice has been issued but only partly complied with. The requirements of the notice included the repair or removal of a dilapidated timber shed in the rear garden which has not been done. It is necessary to consider whether any further action should be taken.

2. **RECOMMENDATION(S)**

No further action be taken.

3. COMMENTARY

- 3.1 The site is a semi – detached 2 storey dwelling house situated within a quiet well maintained residential street.
- 3.2 Since 2003 there have been four previous untidy site complaints made about the property which resulted in one previous untidy site notice being served in February 2004. Although the Notice was complied with the condition and appearance of the property has since deteriorated. was subsequently complied with.
- 3.3 On 22 May 2012 a further complaint was made regarding the unkempt / untidy nature of the dwelling and gardens.
- 3.4 A site visit was undertaken and it was observed that the front garden was overgrown with clumps of grass growing on the driveway, the front lawn had not been cut or trimmed and there was a small accumulation of rubbish.. The rear garden was very overgrown showing no signs of maintenance in recent past. At the end of the garden was an old shed extending the width of the garden in a poor state of repair and concerns had been expressed that it was providing shelter to foxes and other vermin.
- 3.5 On 22 May 2012 a warning letter was sent to the owner of the dwelling requesting that the site be cleared of all overgrown vegetation and rubbish be removed from the site.
- 3.6 A further site visit was carried out on 13 June 2012 when it was observed that no remedial works had taken place to tidy the site.
- 3.7 On 24 July 2012 a S215 Untidy Site Notice was served on the owner requiring the following steps to be taken: -;
- “(i) Remove from the front and rear of the land all overgrown and dead vegetation both to the front and rear of the land.
(ii) Remove all accumulated rubbish from the front garden.
(iii) Remove or put into a good state of repair, the wooden shed which stretches the full width of the rear garden and,
(iv) leave the land in a clean and tidy condition.”
- 3.8 A further site visit was made in September 2012 where it was found that remedial works had been carried out to comply with the requirements of the notice regarding to points (i),(ii) & (iv). The shed remained on site and no remedial works had taken place. However given that other works had taken place including the removal of overgrown vegetation and clearance of rubbish in the front and rear gardens it was considered that the shed in isolation did not constitute an untidy site.
- 3.9 Legal advice was taken in relation to the shed and the non – compliance in full with the requirements of the notice. The solicitor advised that it was not proportionate or expedient to pursue any further action in relation to the shed in isolation and that a prosecution regarding failure to comply with item (iii) above would be unlikely to succeed.
- 3.10 Whilst the condition of the shed added to the cumulative effect of the other problems at the site, once these had been remedied, it was concluded that the condition of the shed in isolation did not constitute an untidy site in the context of S215 of the Act. .
- 3.11 Further complaints have been made by the occupier of a neighbouring property expressing concern that the shed is leaning against a boundary fence. Legal advice has been sought and it is the opinion of the council solicitor that this is a civil matter which should be resolved

by other means. The objectives of S215 are concerned with safeguarding amenity in the public interest and should not extend to the resolution of civil disputes between neighbours.

- 3.12 On 16.09.2013 a further site visit was made where it was observed that the rear garden of the subject site was in a tidy condition with the rear lawn being maintained on a regular basis and surrounding vegetation being kept in order.
- 3.13 In conclusion, the shed in the rear garden does not in isolation create the impression that the site is untidy and officers are of the view it would be inappropriate to take further action against this structure.