

## **IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

Town and Country Planning Act 1990  
(as amended by the Planning and Compensation Act 1991)

### **ENFORCEMENT NOTICE OPERATIONAL DEVELOPMENT**

**Issued by: St Albans District Council**

**1. This Notice** is issued by the council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, 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 To Which The Notice Relates**

Land rear of 56 Marshalswick Lane St.Albans Hertfordshire  
Shown edged red on the attached plan.

#### **3. The Matters Which Appear To Constitute The Breach Of Planning Control**

It appears to the Council that the following breach of planning control has occurred within the last 4 years.

Without planning permission the erection of a two storey building not in accordance with planning permission 5/11/0637 by reason of the following:

1. Increasing in height to eaves by 3 metres to 3.3 metres (depending on ground level) and ridge height to 6.25 metres.
2. Increasing the height of the chimney to 6.9 metres.
3. Increasing the height of 1 metre to the eaves and the insertion of glazing to the top of the three front (eastern) elevation dormers.
4. Insertion of rear sun pipes to the rear (western) elevation.
5. Creation of 2 light wells to the front (eastern) elevation to basement.
6. Construction of 6 metres x 4 metres concrete slab foundation to the southern elevation, which gives the appearance of further potential development.

#### **4. Reasons For Issuing This Notice**

The development does not conform to any previously approved planning permission and leads to an otherwise materially different development to that envisaged for the site in the 2004 appeal decision and subsequent planning approvals.

Substantial weight must be given to previous Inspectors decisions in terms of 2 storey developments and their effect on the character and appearance of the area. It is clear that the incremental nature of the development has established a 2 storey (above ground) building.

By increasing the height of the building by 0.5 metres above ground the development significantly urbanises the otherwise unspoilt back land area of Marshalswick Lane by creating a development that is 2 storeys above ground level and 3 storeys in total. It fails to preserve the "low profile" building as approved under the 2004 appeal decision and subsequent planning approvals.

The insertion of the sun pipes to the rear (western) roof elevation fragments the uniform appearance of the roof along this boundary creates a bulky and visually intrusive façade to the occupiers of No.54. The insertion of glazing to the eastern elevation dormers fails to achieve a tolerable level of privacy for occupiers of No.58 despite the vegetation cover, contrary to Policy 70 of the St.Albans District Local Plan Review 1994.

Notwithstanding the inclusion and grant of planning permission for the basement level a building of this size is inappropriate within this setting. The alterations above ground level introduce a building that is more substantial in scale and gives rise to harm to the overall character and appearance of the area as required under paragraph 65 of the NPPF. The development conflicts with the character and appearance of its surroundings by reason of its massing adjacent to adjoining properties and is therefore contrary to Policies 69 (i) and 70(i) of the St.Albans District Local Plan Review 1994.

#### **5. What You Are Required To Do**

1. Reduce the height of the building by 0.5 metres so that the eaves are 2.5 metres high and the ridge 5.7 metres high in accordance with planning permission 5/11/0634.
2. Reduce the height of the chimney by 0.6 metres so that the ridge at the top, excluding the pots, is 6 metres in accordance with planning permission 5/11/0634.
3. Remove the glazing to and reduce the height of the front (eastern) elevation architecturally featured dormers by 0.5 metres and rebuild in accordance with the approved planning permission 5/11/0634.
4. Block up the light wells (below ground) to the front (eastern) elevation in accordance with planning permission 5/11/0634.
5. Remove the concrete slab foundation located at the southern elevation.

#### **6. Time For Compliance**

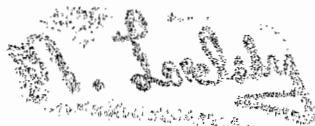
6 months after this notice takes effect.

#### **7. When This Notice Takes Effect**

This notice takes effect on 19 September 2012 unless an appeal is made against it beforehand.

Dated: 8 August 2012

Signed:



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M Lovelady LLB (Solicitor)

Head of Legal, Democratic and Regulatory Services  
St.Albans District Council

On behalf of:

District Council Offices, Civic Centre,  
St.Peter's Street, St.Albans, Herts. AL1 3JE

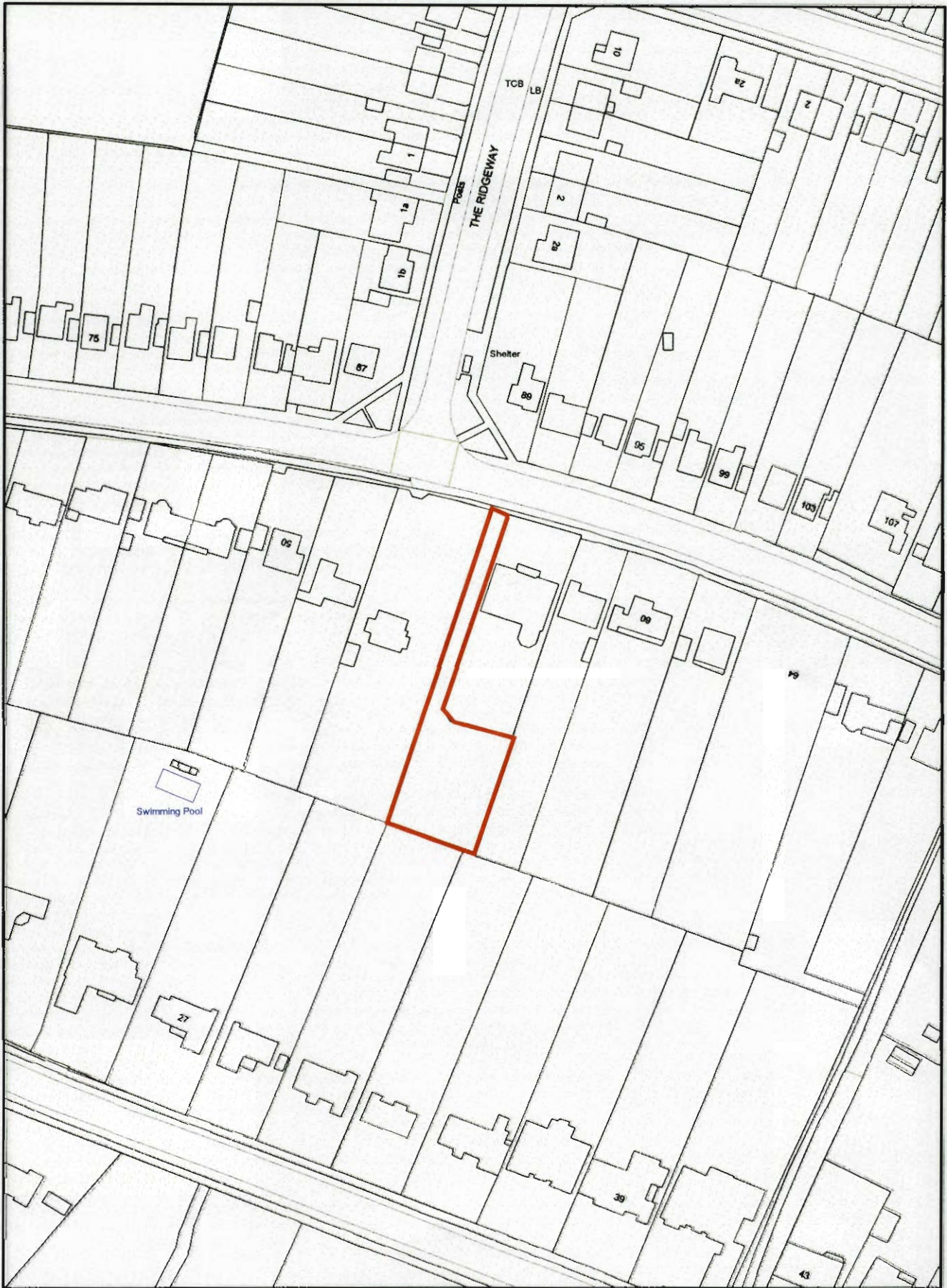
## **ANNEX**

### **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 before the date specified in paragraph 7 of the notice. The enclosed information sheet and information in the letter give details of your rights of appeal.

### **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 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.



**Lnd R/o 56 Marshalswick Lane, St Albans,  
Herts, AL1 4XF**



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