

Enforcement notice: Operational development without planning permission

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

**TOWN AND COUNTRY PLANNING ACT 1990 (TCPA 1990)**

### **ENFORCEMENT NOTICE**

**Issued by** Eastbourne Borough Council (the Council)

#### **1. ENFORCEMENT NOTICE**

**This is a formal notice** 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 TCPA 1990, at the Land. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all 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 of 2 Allfrey Road Eastbourne BN22 8TL, shown edged red on the attached plan (“the Land”).

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

The unauthorised erection of boundary treatment to first floor flat roof to create roof terrace for amenity purposes.

#### **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 roof terrace boundary treatment, by nature of its siting, scale, massing and design, appears disruptive and incongruous within the streetscene and with the character and appearance of the area, contrary to policies B2 (Creating Sustainable neighbourhoods) and D10a (Design) of the Eastbourne Core Strategy 2013, saved policies UHT1 (Design of New Development) and UHT4 (visual Amenity) of the Eastbourne Borough Plan 2003 and section 12 of the National Planning Policy Framework (Achieving Well-Designed Places).
- The roof terrace boundary treatment, by nature of its positioning and overall form, scale, density and design, is detrimental to the amenity of neighbouring

properties, contrary to Eastbourne Borough Plan Saved Policy HO20 (Residential Amenity), Policy B2 of the Eastbourne Core Strategy 2013 and paragraph 130 of the National Planning Policy Framework

- The roof terrace provides an elevated vantage point from which neighbouring dwellings are overlooked, resulting in a loss of privacy, contrary to Eastbourne Borough Plan Saved Policy HO20 (Residential Amenity), policy B2 of the Eastbourne Core Strategy 2013 and paragraph 130 of the National Planning Policy Framework
- The Council consider that planning permission should not be given, because planning conditions could not overcome these objections to the development.

**5. WHAT YOU ARE REQUIRED TO DO**

- i. Remove roof terrace boundary treatment in its entirety.
- ii. Clear all resultant debris

**6. TIME FOR COMPLIANCE**

The periods for compliance with the steps set out in paragraph 5 are:

(I) Two months from the date this notice takes effect.

**7. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 29 April 2022 unless an appeal is made against it beforehand.

Dated: 18 March 2022

Signed:

on behalf of  
Eastbourne Borough Council

Nominated officer: Simon Cullen

Telephone number: 01323 415385

