**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:** Oldham Metropolitan Borough Council (“the Council”)

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) 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 contains important additional information.
2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at 35 Keble Avenue, Oldham, OL8 4HP as shown edged red on the accompanying plan (“the Land”).

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

The erection of a hip to gable rear dormer on the dwellinghouse on the Land that was refused planning permission (HOU/347865/21) and does not constitute permitted development pursuant to Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended)(“the 2015 Order”) as the eaves of the original roof have been removed, meaning that the development does not comply with condition B.2(b)(i)(aa) of the 2015 Order.

1. **REASONS FOR ISSUING THIS NOTICE**

The dormer is considered to have visually incongruous addition which fails to integrate sympathetically with the character of the existing dwelling due to its size, scale, height and massing and would have the effect of unbalancing the relationship with the adjoining semi-detached dwelling. The development is contrary to Policy 9 (Local Environment) and Policy 20 (Design) of the Council’s Development Plan Document – Joint Core Strategy and Development Management Policies.

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

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

Re-instate the eaves of the roof of the dwelling house to the side and under the dormer so that the dormer complies with Class B of Part 1 of Schedule 2 of the 2015 Order.

1. **TIME FOR COMPLIANCE**

The action specified in paragraph 5 above must be carried out within four months of this Notice taking effect.

1. **WHEN THIS NOTICE TAKES EFFECT**

The Notice takes effect on 26 June 2023, unless an appeal is made against it beforehand.

Dated: 23 May 2023

Signed: ……………

 **For Paul Entwistle**

 **Director of Legal Services**

 **Council’s Authorised Officer**

On behalf of: Oldham Metropolitan Borough Council

 Civic Centre

 West Street

 Oldham

 OL1 1UL

**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 Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the Notice.

Th enclosed information sheet published by the Planning Inspectorate gives details of how to make an 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 this Notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

A copy of this Enforcement Notice has been served on the following persons: -

**Syed Mahmood Ul Hassain Shah and Shabnam Shah,** 35 Keble Avenue, Oldham, OL8 4HP