

**The person dealing with this matter is:**

Zoe Franks  
Newcastle City Council  
Legal Services  
Civic Centre  
Barras Bridge  
Newcastle upon Tyne NE1 8QH

DX No. 62552 - Jesmond

Adelene M Dunn  
15 Briarwood Avenue  
Gosforth  
Newcastle upon Tyne  
NE3 5DA

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**Website** : [www.newcastle.gov.uk](http://www.newcastle.gov.uk)

4 October 2018

**Our reference:** ZF/

**Your reference:**

Dear Ms Dunn

**15 Briarwood Avenue**

**Notice under Section 215 of the Town and Country Planning Act 2018**

I attach a notice regarding the above property pursuant to Section 215 of the Town and Country Planning Act 1990.

Yours sincerely



**Zoe Franks**  
**Solicitor**





**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning & Compensation Act 1991)**

## **SECTION 215 NOTICE**

**ISSUED BY: Development Management, Newcastle City Council, Civic Centre,  
Newcastle upon Tyne, NE1 8QH as Local Planning Authority**

**TO: Ms Adelene M Dunn  
15 Briarwood Avenue  
Gosforth  
Newcastle upon Tyne  
NE3 5DA**

### **1. THE NOTICE**

This Notice is served by the Council under Section 215 of the above Act because it appears to them that the amenity of a part of their area is adversely affected by the condition of the Property described below.

### **2. THE PREMISES TO WHICH THIS NOTICE RELATES**

Land at 15 Briarwood Avenue, Gosforth, Newcastle upon Tyne ("Property") shown edged with a red line on the attached plan.

### **3. WHAT YOU ARE REQUIRED TO DO**

The Council requires the following steps to be taken for remedying the condition of the Property:

- i. Permanently remove all overgrown vegetation to the front of the Property leaving the garden in a tidy condition. Thereafter treat the garden with a proprietary chemical weed retardant in accordance with manufacturer's recommendations.

- ii. Permanently remove the temporary broken wood to the front of the former garage of the Property.
- iii. Permanently remove all rubbish/litter/waste from the partially demolished utility/garage to side of Property to an authorised place of disposal.
- iv. Permanently remove all overgrown vegetation from the side of the Property leaving the garden in a tidy condition. Thereafter treat the garden with a proprietary chemical weed retardant in accordance with manufacturer's recommendations.
- v. Permanently remove vegetation growing on the roof of the Property.
- vi. Permanently remove from the Property any boarding over windows, doors and door frames.
- vii. Replace any broken glass or removed glazing with new glazing (see Building Regulations Informative below)
- viii. Prior to painting clean and prepare all external timbers of the property removing in the process any flaking paint and replacing any rotten or perished timbers with replacement woodwork which is an accurate replica of the original design in terms of pattern, detail and profile, so as to ensure that all external timbers with a suitable primer/undercoat and then with a white paint suitable for external wood surfaces.
- ix. Permanently remove all overgrown vegetation at the rear of the Property leaving the garden in a tidy condition. Thereafter treat the agreed with a proprietary chemical weed retardant in accordance with manufacturer's recommendations.
- x. On completion of step (v), repair any damage to guttering and roof that may have occurred. Replace all missing tiles with those that match the existing tiles.
- xi. Permanently remove all rubbish/litter/waste material from the Property.
- xii. Remove from the Property any waste materials as a result of compliance with these requirements.
- xiii. Remove the structure to the east elevation of the main house, shown on the attached plan marked blue, by demolishing the structure, brickwork, doors, windows and wooden boards and remove any rubbish or other material resulting from or exposed by the demolition to a place authorised for the disposal of those materials and ensure that any exposed electrical wiring is made safe and water tight.

#### **4. TIME FOR COMPLIANCE**

Steps (i) to (xiii) above to be complied with in full within 2 (two) MONTHS of the date on which this Notice takes effect.

**5. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 2 November 2018.

Dated: 4 October 2018

Signed: J R Softly

J R Softly  
Assistant Director, Legal Services  
On behalf of the Council of the City of Newcastle upon Tyne

## **BUILDING REGULATIONS INFORMATIVE**

Since April 2002, all replacement doors and windows have come within the scope of the Building Regulations. That means anyone who installs replacement window or door frames has to show compliance, (just replacing glass is exempt.)

There are two ways to prove compliance:-

1. a certificate showing that the work has been done by an installer who is registered under the FENSA Scheme *or*
2. a certificate from the local authority saying that the installation has approval under the Building Regulations.

Further information concerning the FENSA scheme may be obtained from the Glass & Glazing Federation ☎ 0207 403 7177 or the GGF web site [www.ggf.org.uk](http://www.ggf.org.uk)

Further information concerning the requirements of the Building Regulations can be obtained r by contacting the Building Control Section by phoning ☎0191 278 7878 and asking for Building Control.



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15 Briarwood Avenue, Gosforth, Newcastle upon Tyne,  
NE3 5DA  
2017/0476/UNTIDY

Newcastle  
City Council







## ANNEX

### EXPLANATORY NOTE

#### YOUR RIGHT OF APPEAL

Under section 217 of the Town and Country Planning Act 1990 any person on whom a notice is served under section 215 of the Act, or any other person having an interest in the land to which the notice relates may appeal to a Magistrates' Court any time **before** the date specified in paragraph 5 of the notice as the date that the notice comes into effect.

Under section 217(1) of the Act, you may appeal on any of the following grounds:

- (a) that the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;
- (b) that the condition of the land to which the notice relates is attributable to, and such results in the ordinary course of events from, the carrying on of operations or a use of land which is not in contravention of Part III of the Act;
- (c) that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority who served the notice, or any adjoining area;
- (d) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.

Note: Not all of these grounds may be relevant to you.

Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.

**ANY APPEAL MUST BE LODGED AT THE MAGISTRATES COURT BEFORE THE NOTICE COMES INTO EFFECT.**

#### WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this notice, it will take effect on the date specified in paragraph 5 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 5 of the Notice. Failure to comply with a notice which has taken effect can result in prosecution and/or remedial action by the Council.

