

**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: The Council of the City of Newcastle upon Tyne ("the Council")**

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within 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 and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at 58-66 West Road, NE4 9QB shown edged with a red line on attached plan "the Premises".

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

Without planning permission the insertion of dormer to rear roof slope, erection of rear extension at ground and first floor with external alterations, subdivision of the ground floor A1 retail unit into two units (Class E), conversion of first floor to create three apartments (Class C3), and conversion of roof void to create one apartment (Class C3) and change of use from one upper floor flat to four apartments.

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.

1. The proposed development is considered to be of poor design and appears as an obtrusive element in the street scene, it does not add to the overall quality of the area, is not visually attractive or sympathetic to local character. As such, the proposal is contrary to paragraph 127 of the National Planning Policy Framework, policy CS15 of the Core Strategy and Urban Core Plan and policy DM20 of the Development and Allocations Plan.
2. The proposed development is considered to create a poor standard of amenity for residents of the proposed flats, through creation of substandard size. As such, the proposal is contrary to the paragraph 127 of the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and policy DM23 of the Development and Allocations Plan.

3. The proposed development fails to provide sufficient accessible refuse storage/recycling facilities and cycle provision which is considered detrimental to residential amenity leading to an increase likelihood of waste containers being stored on the highway. As such, the proposal is contrary to paragraphs 110 and 127 of the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and policies DM23 and DM34 of the Development and Allocations Plan.

The Council consider it expedient to enforce because of the reasons set out above.

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

- 5.1 Remove the dormer to the rear roof slope.
- 5.2 Remove the rear extension at ground and first floor level.
- 5.3 Reinstate the rear wall and roof slope of the building
- 5.4 Reinstate the first and second floors of the property to create one apartment.
- 5.5 Remove from the Land all waste, materials, equipment and debris including that arising from compliance with paragraphs 5.1 and 5.2 above, from the site.

**6. TIME FOR COMPLIANCE**


12 MONTHS after this Notice takes effect

**7. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 4 May 2021 unless an appeal is made against it beforehand.

Dated: ...26 March 2021

[Date of issue]



Signed: .....

[Council's authorised officer]

J R Softly  
Assistant Director, Legal Services

On behalf of: The Council of the City of Newcastle upon Tyne

## ANNEX

### EXPLANATORY NOTE

#### 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 (at the Planning Inspectorate) **before** the date specified in paragraph 7 of the Notice. An information sheet from the Planning Inspectorate is enclosed which also contains important information about appealing against this Enforcement Notice and how appeal forms can be obtained and submitted.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

If you do wish to appeal then you must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends you a notice requesting you to do so, a statement in writing specifying the grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

If you appeal the Enforcement Notice and wish a deemed planning application also to be considered there will be a fee of £2772 payable to the City of Newcastle upon Tyne. The fee payable is double the amount payable for a normal planning application. This is the case where you intend to appeal under section 174(2)(a) of the Town and Country Planning Act 1990.

Full copies of sections 171A, 171B and 172 – 177 of the Town and Country Planning Act 1990 (as amended) are also enclosed for your information.

### **PARTIES SERVED WITH THE ENFORCEMENT NOTICE**

The parties served with a copy of the enforcement notice are as follows:

The Company Secretary, Smart Gate Int Limited, 38 Collingwood Buildings, Collingwood Street, Newcastle upon Tyne NE1 1JF

The Company Secretary, Smart Gate Int Limited, 22 Northside , Birtley, County Durham, DH3 3RD

The Occupier 58 West Road, Newcastle upon Tyne, NE4 9PY

Mehmet Erdogan 60 West Road, Newcastle upon Tyne NE4 9PY

The Occupier 60 West Road, Newcastle upon Tyne NE4 9PY

Mrs Taj Khan, 62 West Road, Newcastle upon Tyne NE4 9PY

The Occupier 62 West Road, Newcastle upon Tyne NE4 9PY

The Occupier, 64 West Road, Newcastle upon Tyne NE4 9PY

Mrs Rabia Shahzadi, 66 West Road, Newcastle upon Tyne NE4 9PY

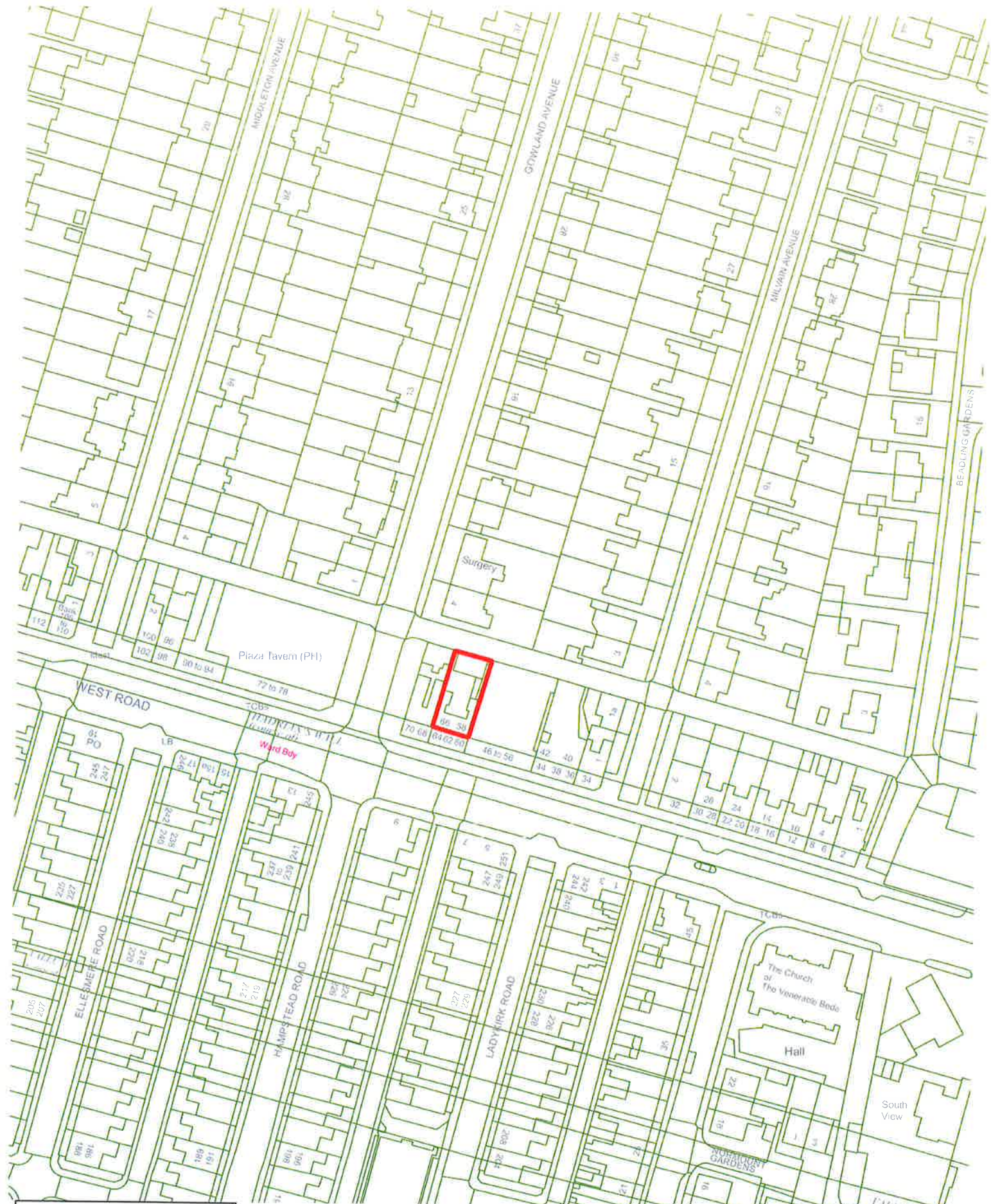
The Occupier, 66 West Road, Newcastle upon Tyne NE4 9PY

Mr Mehmet Erdogan 66a West Road, Newcastle upon Tyne NE4 9PY

The Occupier, 66a West Road, Newcastle upon Tyne NE4 9PY

### **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[s] 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.



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58, 60, 62, 64, 66 West Road,  
 Newcastle upon Tyne, NE4 9PY

Newcastle  
 City Council