**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**(as amended by the Planning and Compensation Act 1991)**

**BREACH OF CONDITION NOTICE**

**Issued by:** OLDHAM BOROUGH COUNCIL ("the Council")

**To:** Mr Andrew Keith Timbrell, 63 Oldham Road, Grasscroft, Oldham, OL4 4JE and 119 Lees Road, Mossley, Ashton-Under-Lyne, OL5 0PL

**1. THIS NOTICE** is issued by the Council, under Section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to comply with the conditions specified in this Notice. The Annex at the end of this Notice contains important additional information.

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

The land at 63 Oldham Road, Grasscroft, Oldham, OL4 4JE, as shown edged in red on the attached plan (“the Land”).

**3.** **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this Notice relates is the permission granted by the Council on 10 March 2022 for the retrospective application for 1) Two storey side and rear extension 2) Single storey rear extension 3) Single storey front porch extension 4) Alterations to bay window at first floor - HOU/348259/22

**4.** **THE BREACHES OF CONDITION**

 The following conditions have not been complied with –

 **Condition 2**:

*The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice.*

*REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.*

***APPROVED DETAILS SCHEDULE:***

*Reference: Version: Description:*

*63-OR-DC-NMA Location Plan*

*63-OR-DC-NMA Block plans*

*63-OR-DC-NMA Elevations - Proposed*

*63-OR-DC-NMA Floor Plans - Proposed*

The relevant plan is 63-OR-DC-NMA for proposed elevations.

**Condition 4:**

*The 'Juliet' balcony affixed to the south facing elevation of the proposed extension serving a master bedroom at first floor level shall be retained at all times, and the adjacent single storey flat roof shall not be used at any time for recreational or similar purposes.*

*REASON - To protect the amenity of the occupiers of nearby properties having regard to Policy 9 of the Oldham Local Plan.*

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

As the person responsible for the breaches of condition specified in paragraph 4 of this Notice, you are required to secure compliance with the stated conditions by taking the following steps:-

Install the Juliet balcony on the master bedroom window on the south facing elevation and remove the top brickwork of approximately 50cm above the roof level of the first floor rear extension so that it cannot be used as a balcony and that the height of the extension does not exceed the lowest point of the master bedroom windows, as per approved plan 63-OR-DC-NMA Proposed Elevations.

Period for compliance: - **30 days** beginning with the day on which this notice is served on you.

Dated: 11 June 2024

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**

 **WARNING**

**THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.**

**THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT AGAINST THIS NOTICE**

It is an offence to contravene the requirements in paragraph 5 of this Notice after the end of the compliance period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is an unlimited fine for a first offence and for any subsequent offence.

If you are in any doubt about what this notice requires you to do, you should get in touch ***immediately*** with Andrew Jones at Oldham Council: email andrew.jones1@oldham.gov.uk.

If you need independent advice about this Notice, you are advised to urgently contact a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review.

