



Development Control Committee

DATE - 17 July 2007

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

88 Manor Road, Streetly. Ref 06/0669

1.0 PURPOSE OF REPORT

To request authority to take planning enforcement action following the refusal of a retrospective planning application under the scheme of delegations.

2.0 RECOMMENDATIONS

- 2.1 That authority is granted for the issuing of an enforcement notice under the Town and Country Planning Act 1990 (As Amended), and requisitions for information notices as set out in 2.2 and 2.3 to the Head of Planning and Building Control and the Assistant Head of Legal and Constitutional Services.
- 2.2 To authorise that the decision as to the institution of legal proceedings, in the event of non-compliance with the Notice or the non-return of Requisitions for Information, be delegated to the Assistant Director - Legal and Constitutional Services.
- 2.3 That, in the interests of ensuring an accurate and up to date notice is served, authority be delegated to the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control to amend, add to, or delete from the wording set out below stating the nature of the breach(es) the reason(s) for taking enforcement action, the requirement(s) of the Notice, or the boundaries of the site.:

Details of the Enforcement Notice

The Breach of Planning Control:-

The erection of a garden building

Steps required to remedy the breaches:-

Reduce the height of the building to a maximum of 4 metres in height with a pitched roof and ensure that the first floor window is removed.

Period for compliance:-

2 months.

Reasons for taking Enforcement Action:-

The excessive height and mass of the building has an overbearing impact on the amenity of the neighbouring residential properties. Furthermore the first floor window has resulted in an unacceptable loss of privacy to adjacent residential properties which is contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32.

3.0 FINANCIAL IMPLICATIONS

None arising from the report.

4.0 POLICY IMPLICATIONS

The report recommends enforcement action in order to seek compliance with planning policies.

5.0 LEGAL IMPLICATIONS

None arising from the report.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

The report seeks enforcement action to remedy adverse environmental impacts.

8.0 WARD(S) AFFECTED

Streetly

9.0 CONSULTEEES

Related planning application 07/0506/FL/H4 was subject to normal publicity.

10.0 CONTACT OFFICER

Tonia Upton
Planning Enforcement Team: 01922 652411

11.0 BACKGROUND PAPERS

Planning Applications 07/0506/FL/H4

Enforcement file

D. Elsworthy
Head of Planning and Building Control

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12 BACKGROUND AND REPORT DETAIL

- 12.1 The Planning Enforcement team received complaints about this property and the erection of a garden building in January 2007. A retrospective planning application was invited and received on 14 March 2007 and subsequently refused on 8 May 2007.. A ministerial planning appeal has not as yet been made however there is still time to do so. Nonetheless it is good practice to serve an enforcement notice as soon as possible after refusal in order that any appeals can be dealt with at the same time.
- 12.2 The size of the building and the installation of the first floor window is considered to be unacceptable and has led to a loss of privacy for nearby residential occupiers. A reduction in the height of the building and the removal of the first floor window would resolve these problems and the enforcement action recommended reflects this.
- 12.3 In the circumstances enforcement action is recommended as set out in the recommendations.