



Development Control Committee
DATE - 25th April 2006

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

51 Allerdale Road, Clayhanger – Conservatory at rear.
Ref: E05/0477

1.0 PURPOSE OF REPORT

To request authority to take planning enforcement action

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), to require remedial actions to be undertaken as shown below in 2.3.
- 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 Transportation 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:-

Operational development comprising the erection of a conservatory, to the rear of 51 Allerdale Road, Clayhanger.

Steps required to remedy the breaches:-

Dismantle the conservatory

Remove all resultant components and debris from the land.

Period for compliance:-

2 months.

Reasons for taking Enforcement Action:-

By reason of its height and length and the modestly sized gardens which comprise its setting, the conservatory has an overbearing and harmful impact on the level of amenity in the adjoining house and garden. It is therefore in conflict with GP2, ENV32 and H10 of the Walsall Unitary Development Plan (2005).

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

Brownhills

9.0 CONSULTEES

Related planning application 04/2464/FL/H2 was subject to normal publicity.

10.0 CONTACT OFFICER

James Fox / Philip Wears

Planning Enforcement Team: 01922 652527 / 01922 652411

11.0 BACKGROUND PAPERS

Planning Applications 04/2464/FL/H2

Enforcement file not published.

D. Elsworthy

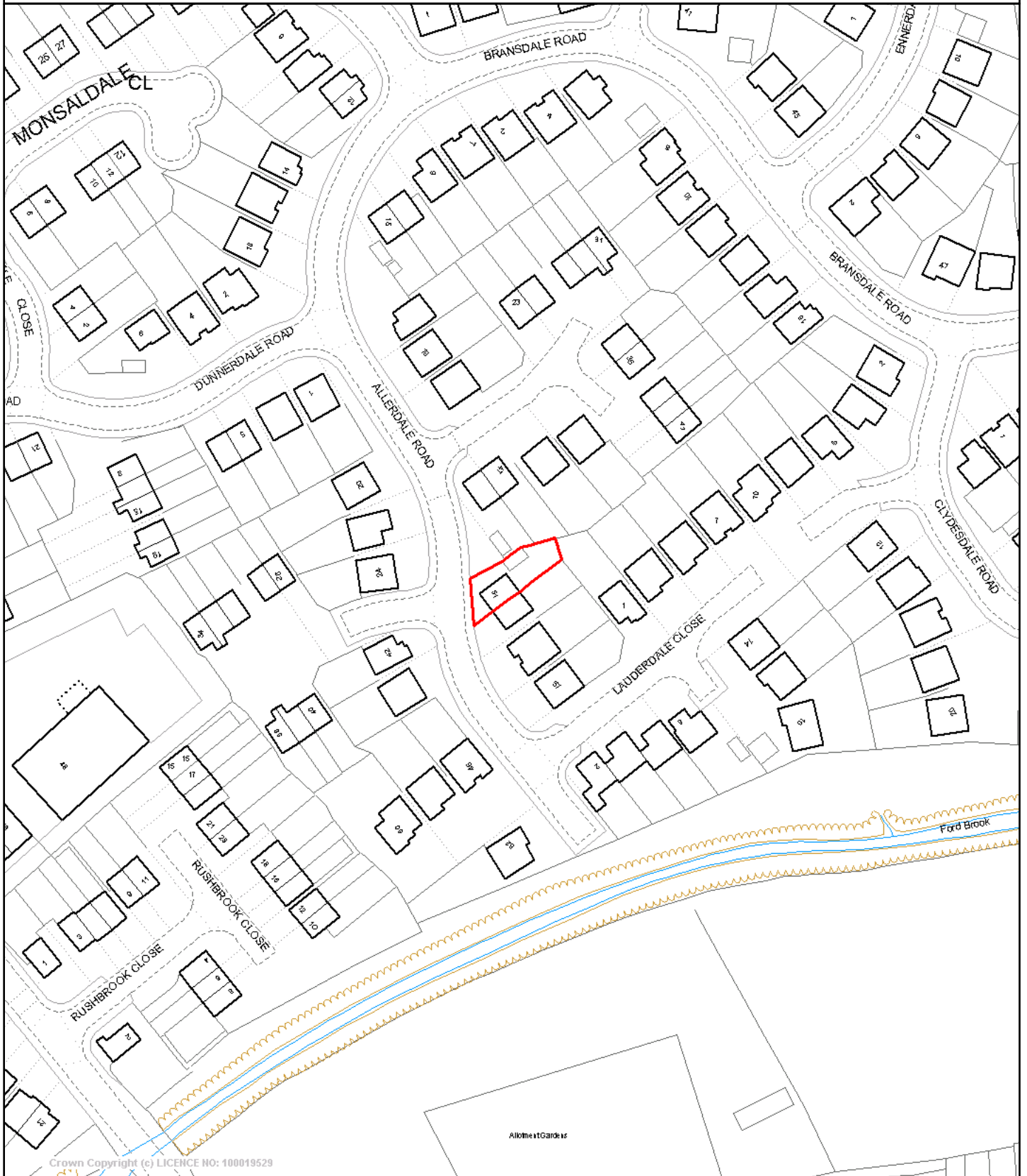
Acting Head of Planning and Transportation

Development Control Committee
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12 BACKGROUND AND REPORT DETAIL

- 12.1 51 Allerdale Road is a modern semi-detached house in a road of similar houses. The conservatory is located to the rear of the house, adjacent to number 53 Allerdale Road, the other house in the pair. A plan showing the location of the conservatory is attached to this report. The conservatory measures 4.6 metres projecting to the rear, 3 metres wide, 2.5 metres to the eaves and 3.2 metres overall to the ridge.
- 12.2 A retrospective application was required to retain the conservatory because of 'Permitted Development' rights having been removed when the estate was granted planning permission. The application reference 04/2464/FL/H2 was refused permission on the grounds that the conservatory has an over-dominant impact on the neighbouring house because of its excessive length, and its height being well above garden fence height.
- 12.3 An appeal has been dismissed. The inspector noted the modest size of the rear gardens and considered that by reason of its height and length the conservatory is visually intrusive in this setting.
- 12.4 The owners have been advised of amendments to the conservatory to reduce the length so as to increase the likelihood of planning permission being granted. However no planning application has been received for these amendments.
- 12.5 In the circumstances enforcement action is recommended as set out in the recommendations.

51 Allerdale Road, Clayhanger, Walsall



Walsall Council

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