



Development Control Committee
DATE - 12th December 2006

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

27 Daffodil Place, Walsall – Erection of Fence

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), 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 fence

Steps required to remedy the breaches:-

Removal of the fence and supporting concrete posts from the land.

Period for compliance:-

2 months.

Reasons for taking Enforcement Action:-

Road frontages in the area are generally open in character. The position of the fence immediately next to the back of the pavement, even with the reduced height that is proposed, harms this open character. The design of the fence with wooden panels supported by and resting on concrete posts and boards that are visible from the road, is also of a poor quality that detracts from the appearance of the area in this prominent location. The development is therefore contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10, and the Residential Development Standards

The site lies on the inside of a bend, and the fence obstructs the visibility splays required at the junctions of Daffodil Place and Daffodil Road, and Daffodil Road and the accessway at the rear of the property, to the detriment of highway safety. The development is therefore contrary to Walsall's Unitary Development Plan, in particular policies GP2 and H10, and the Residential Development Standards.

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

Pheasey,

9.0 CONSULTEES

Related planning application 06/1521/FL/H4 was subject to normal publicity.

10.0 CONTACT OFFICER

James Fox

Planning Enforcement Team: 01922 652527 / 01922 652411

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11.0 **BACKGROUND PAPERS**

Planning Applications 06/1521/FL/H4

Enforcement file

D. Elsworthy

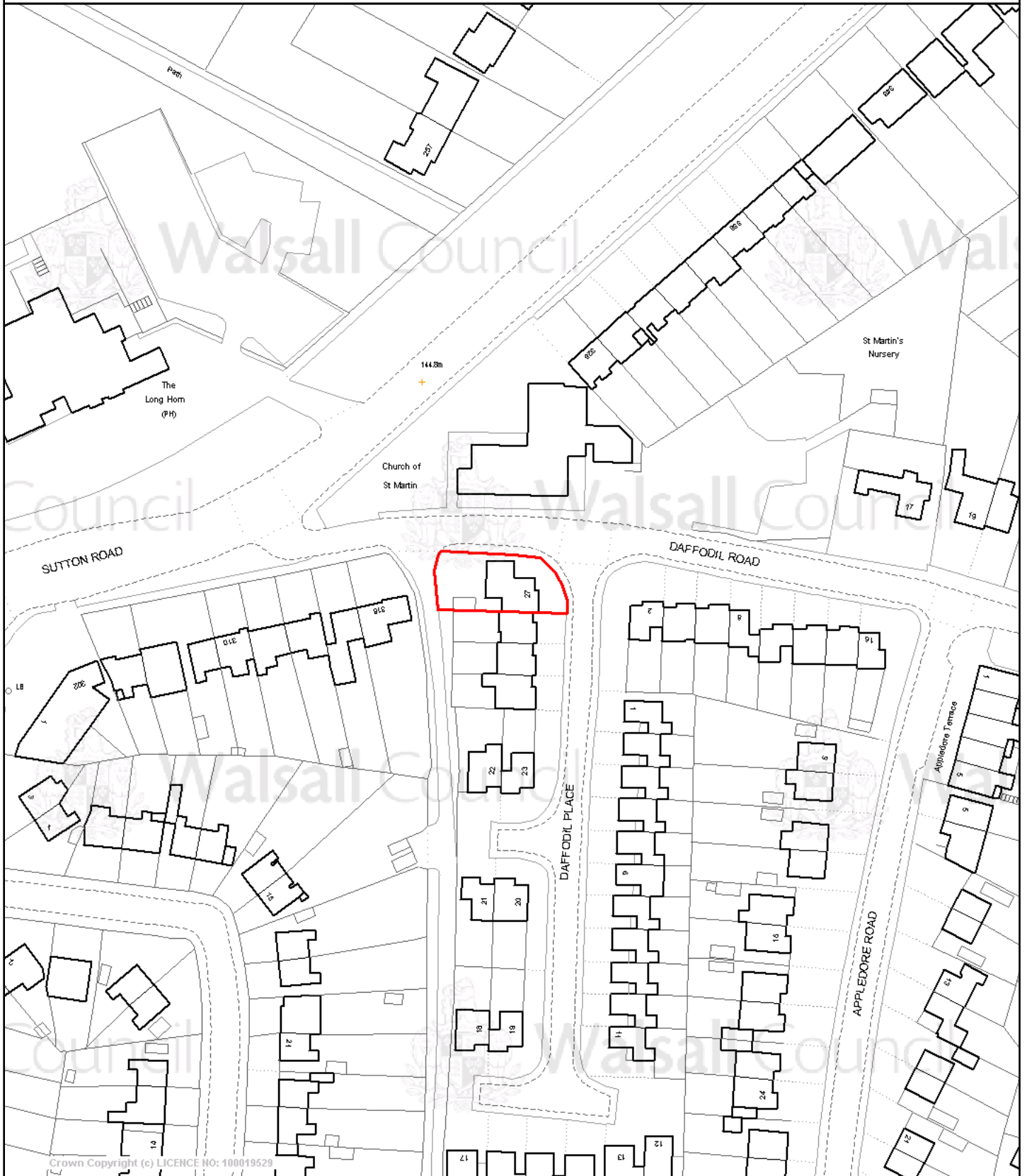
Head of Planning and Building Control

Development Control Committee
12th December 2006

12 BACKGROUND AND REPORT DETAIL

- 12.1 27 Daffodil Place is a detached dwelling on the corner of Daffodil Road directly opposite St Martins Church and within close proximity of St Martins Nursery. New fencing around the rear garden lies at the back of the pavement along the boundary of Daffodil Road. A plan showing the location of the fencing is attached to this report.
- 12.2 Planning Services received a complaint about the fence and a retrospective application (06/1521/FL/H4) was made to retain the fence. Despite amendments to reduce the height of parts of the fence, the application was refused on 16 November 2006, due to its poor visual appearance / harm to the open character of the area and for its adverse effect on highway safety (obstructing the visibility splays required at the junctions of Daffodil Place and Daffodil Road and Daffodil Road and the accessway at the rear of the property).
- 12.3 In the circumstances enforcement action is recommended as set out in the recommendations.

27 Daffodil Place



Walsall Council

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