



Development Control Committee
DATE - 7 August 2007

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

2 Longwood Lane

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 pitched roof.

Steps required to remedy the breaches:-

Remove the pitched roof and erect a flat roof as approved by planning application 04/0039/FL/H4, plan 1203 P4B.

Period for compliance:-

2 months.

Reasons for taking Enforcement Action:-

The shape and pitch of the roof relates poorly to the existing house and unbalances the property. By closing the gap between this property and no. 415 Sutton Road, the extension also harms the character of the area which is mainly comprised of detached houses with gaps in between. The development is contrary to Walsall Unitary Development Plan in particularly policies GP2, ENV32 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 Park Farm

9.0 CONSULTEES

Related planning application 06/1732/FL/H4 was subject to normal publicity.

10.0 CONTACT OFFICER

Tonia Upton
Planning Enforcement Team: 01922 652411

11.0 BACKGROUND PAPERS

Planning Applications
06/12061/FL/H4, 04/0139/FL/H4, 07/0875/FL/H3

Enforcement file

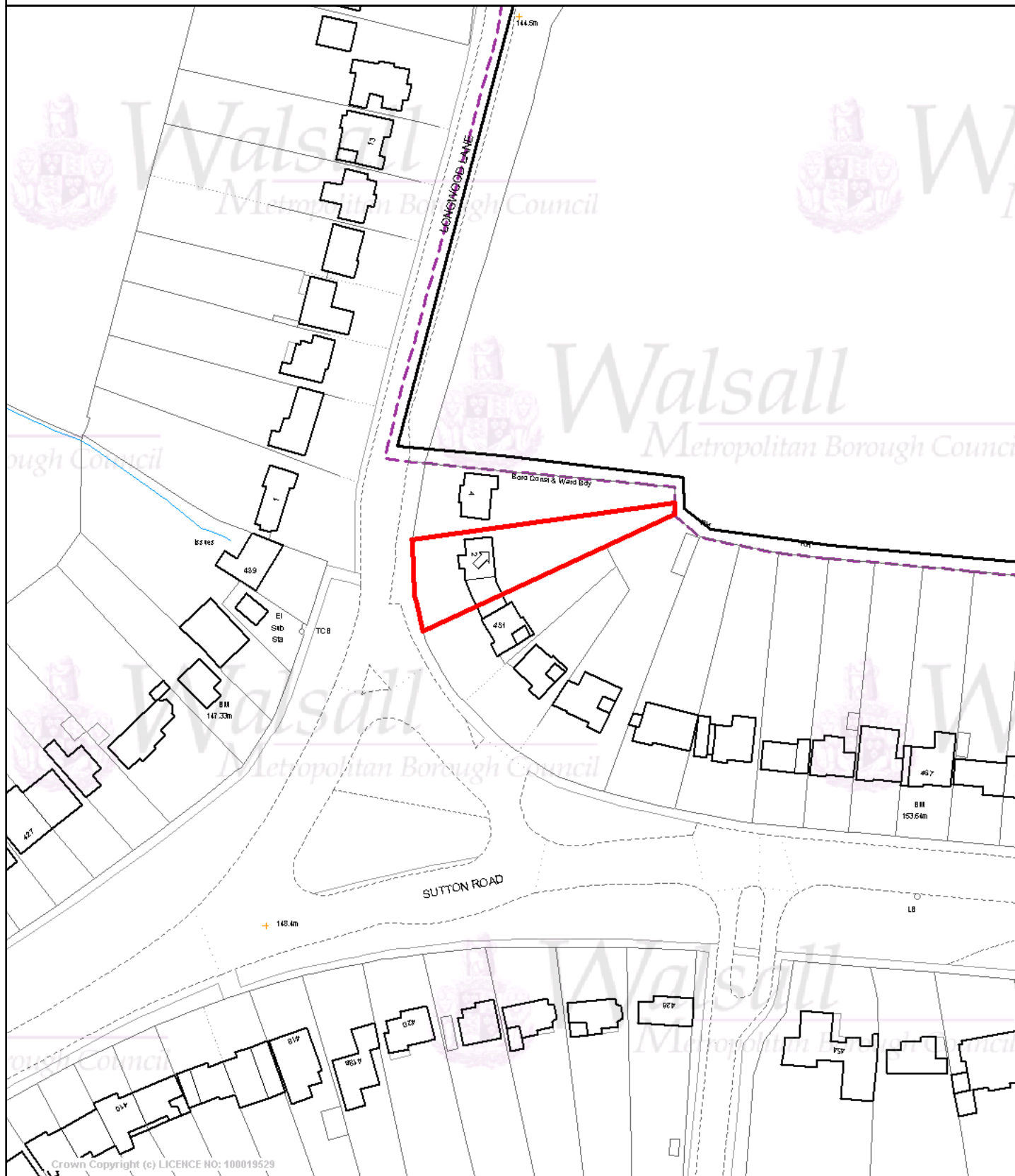
D. Elsworthy Head of Planning and Building Control

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12 BACKGROUND AND REPORT DETAIL

- 12.1 Planning permission was originally granted for a two storey extension to the front, side and rear of this property in April 2004 (04/0139/FL.H4). However the extension was not built in accordance with the plans as a pitched roof over the garage was erected rather than a flat one as approved..
- 12.2 A retrospective planning application to retain the new roof was refused on 16 January 2007. The roof is considered to relate poorly to the existing property and harms the character of the area. An appeal has not been made. A subsequent planning application was submitted for a new tiled pitched roof which was similar in design but lower in height. This was refused on 20 June 2007. Officers consider that the best solution to the problem would be to change the roof to a flat roof as approved by planning application 04/0139/FL.H4. The recommended requirements of the enforcement notice reflect this.
- 12.3 In the circumstances enforcement action is recommended as set out in the recommendations.

2 Longwood Lane



Walsall Council

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