



## **DEVELOPMENT CONTROL COMMITTEE**

**18<sup>th</sup> September 2007**

### **Report of Head of Planning and Building Control - Regeneration**

**110 Bridle Lane, Streetly**

**Ref: E06/0050**

#### **1.0 PURPOSE OF REPORT**

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

#### **2.0 RECOMMENDATIONS**

- 2.1 That authority is granted to the Head of Planning and Building Control and the Assistant Director of Legal and Constitutional Services 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
- 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:-

Operational development comprising the erection of a detached garage.

Steps required to remedy the breaches:-

Alter the building so that it conforms with the approved plans contained within planning permission 03/1310/FL/H4 granted on 15<sup>th</sup> August 2003.

Alternatively:

Demolish the building and dig up its foundations. Reinststate the ground so that it matches the level of adjoining ground.

Period for compliance:-

3 months

Reasons for taking Enforcement Action:-

The garage as built is detrimental to the appearance of the area because of its excessive height and ornate roof design in this prominent location. The development is therefore contrary to Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10.

**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 CONSULTEES**

Related planning applications 03/1310/FL/H4, 06/0471/FL/H1 and 07/1849/FL/H1 were subject to normal publicity.

**10.0 CONTACT OFFICER**

James Fox

Planning Enforcement Team: 01922 652527

**11.0 BACKGROUND PAPERS**

Planning Applications - 03/1310/FL/H4, 06/0471/FL/H1 and 07/1849/FL/H1 Enforcement file not published.

D. Elsworthy

Head of Planning and Building Control

**Development Control Committee**  
**18<sup>th</sup> September 2007**

**12 BACKGROUND AND REPORT DETAIL**

- 12.1 110 Bridle Lane is a detached dwelling on the corner of Bridle Lane and Hundred Acre Road.
- 12.2 Planning permission 03/1310/FL/H4 was given for a single storey detached garage (2003). However the garage was built with major differences from the approved plans.
- 12.3 As built, the garage is over prominent in the street scene (the eaves 0.6m higher, the width increased by 0.47 metres and the roof pitch steeper) so that the overall height of the garage is now up to 0.9 metre higher than approved. In addition, the type of gabling of the rear part of the roof has made this part of the building considerably bulkier, whereas the planning permission was for a hipped design,
- 12.4 This led to planning enforcement investigating, and the submission of a retrospective planning application to retain the garage as built. Planning application 06/0471/FL/H1 was however refused because of the ornate roof design and excessive height, which are unsuitable in this prominent position.
- 12.5 There has been correspondence about revisions, but these did not overcome the reasons for refusal.
- 12.6 A further application to retain the building with the same height, but the rear of the roof altered to a hipped design has been lodged, but not yet determined.
- 12.6 The garage as built remains unacceptable and in the circumstances enforcement action is recommended as set out in the recommendations. It is important not to prejudge the current application. However, agreeing the recommendation is simply concluding that what has been done and currently exists is unacceptable. If the new application is approved, officers would use the power in the recommendations to update the notice to require that new permission to be implemented, as appropriate.

# 110 Bridle Lane



**Walsall Council**

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