



Walsall Council

Development Control Committee

Date 15 July 2008

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

RESIDENTIAL PROPERTIES: FOR WHICH PLANNING PERMSSION HAS BEEN REFUSED AT:

60 Deakin Avenue
4 Heron Close
7 Aldis Road
8 Prince Street

1. **PURPOSE OF REPORT**

To advise members of breaches of planning control at the above residential properties where either retrospective permission has been refused or where development has taken place following a refusal of permission. Members are recommended to take enforcement action.

2. **RECOMMENDATIONS**

- 2.1 That authority is given to the Head of Planning and Building Control and the Assistant Director – Legal and Constitutional Services for the issuing of enforcement notices and Requisition for Information notices at each of the addresses.
- 2.2 That authority is delegated to the Head of Planning and Building Control, and the Assistant Director – Legal and Constitutional Services to commence prosecution proceedings in the event that the enforcement notice(s) or Requisition for Information notice(s) are not complied with.
- 2.3 That authority is also delegated to the Head of Planning and Building Control in consultation with the Assistant Director – Legal and Constitutional Services to amend, add to, or delete from the wording set out below, stating the requirements of the Notice(s) or identifying the boundaries of the site(s):

Breach of Planning Control and reasons for taking enforcement action

Address and Breach	Reasons for taking enforcement action
<p>60 Deakin Avenue</p> <p>installation of a dormer window.</p>	<p>The dormer is detrimental to the appearance of the application house, the character of the area and the amenity of nearby dwellings by reason of its excessive size, height, potential for overlooking and overbearing impact. The development is therefore contrary to Walsall's Unitary Development Plan, in particularly policies GP2, ENV32 and H10.</p> <p>Retrospective planning Application 06/1489/FL/H2 was refused on 17 October 2006 and a subsequent appeal was dismissed on 16 October 2007</p>
<p>4 Heron Close</p> <p>The erection of a boundary wall</p>	<p>The boundary wall detracts from the open aspect of the area by virtue of its height and design and appears unduly prominent creating an overbearing feature.</p> <p>The development is therefore contrary to Walsall's Unitary Development Plan, in particularly policies GP2, ENV32 and H10</p> <p>Planning Application 04/1241/FL/H4 for a similar boundary treatment scheme to as built was refused on 10 September 2004. Boundary wall erected 2006. No appeal.</p>

<p>8 Prince Street</p> <p>Erection of a garage</p>	<p>The limited separation distance between the front of the garage and the highway results in vehicles parked in front of the garage obstructing the footpath and road and is detrimental to pedestrian safety and is therefore contrary to Walsall's Unitary Development Plan, in particularly policies GP2, T7 and T13.</p> <p>Retrospective planning Application 08/0168/FL was refused on 10 April 2008.</p>
<p>7 Aldis Road</p> <p>Erection of canopy</p>	<p>The design of the proposed canopy with mock classical pillars introduces an alien feature which detracts from the simple design of the house and harms the character of the area.</p> <p>The development is therefore contrary to Walsall's Unitary Development Plan, in particularly policies GP2, ENV32 and H10</p> <p>Planning Application 07/0298/FL/H5 was refused on 17 April 2007.</p> <p>The canopy was erected after the decision.</p> <p>No appeal.</p>

Requirements of the Enforcement Notices and Time for Compliance

Address	Requirements of the Enforcement Notice and compliance period.
60 Deakin Avenue installation of a dormer window.	Remove the dormer and reinstate the roof or insert a skylight. Compliance: 3 months
4 Heron Close The erection of a boundary wall	Ensure that no part of the wall that lies within 2 metres of the highway is higher than one metre in height. Compliance: 3 months
8 Prince Street Erection of a garage	To permanently ensure that the building is not used for the parking of a vehicle. To remove the existing garage door and replace with a pedestrian access only door or doors ensuring that the door or doors do not open across the highway. Compliance 3 months.
7 Aldis Road Erection of canopy	To permanently remove the canopy Compliance : 3 months

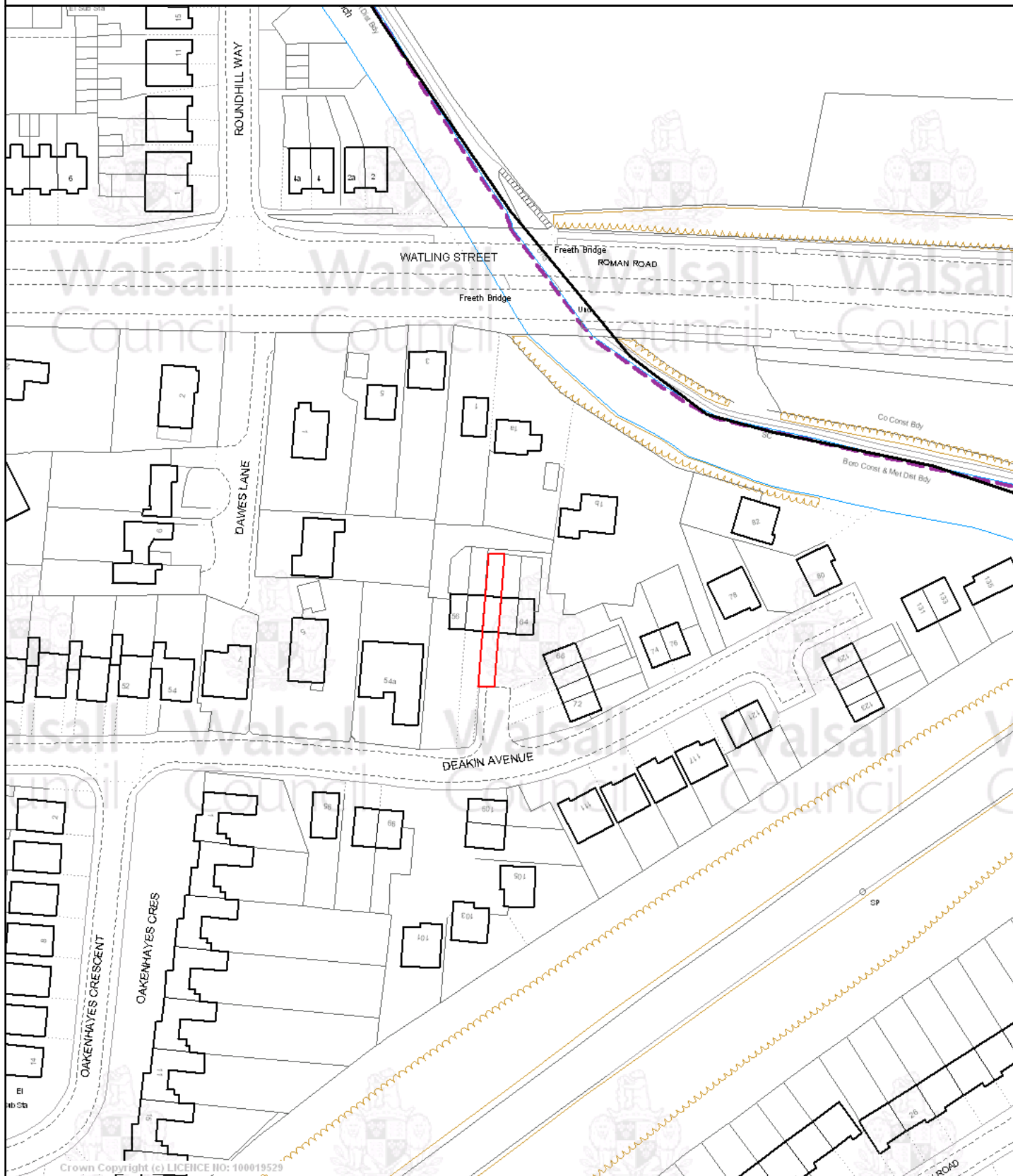
12 BACKGROUND AND REPORT DETAIL

- 12.1 This report relates to four residential properties where there is a breach of planning control. In all cases planning permission has been refused (some of the refusals were retrospective applications, but in some cases development commenced following the refusal).
- 12.2 With the exception of 60 Deakin Avenue where an appeal has been dismissed there have been no appeals against the decision to refuse planning permission (although there is still time to appeal in respect of the garage at 8 Prince Street).

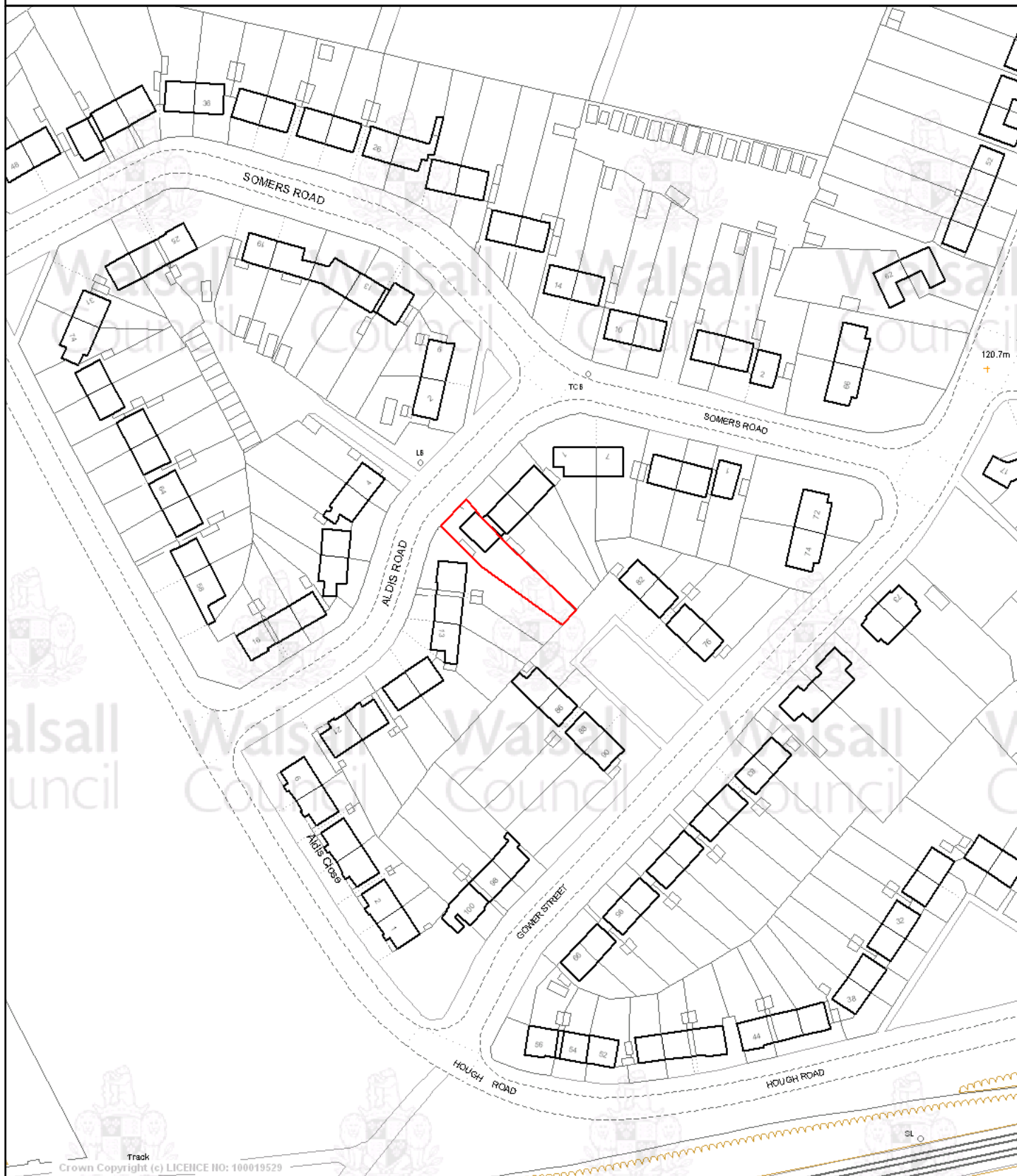
- 12.3 It is considered in respect of the four properties dealt with in this report that as planning permission has been refused for the unauthorised development that enforcement action is expedient in all four cases. The requirements of the notices as set require the minimum considered to remedy the problem in each case.

Head of Planning and Building Control

60 Deakin Avenue



7 Aldis Road



Walsall Council

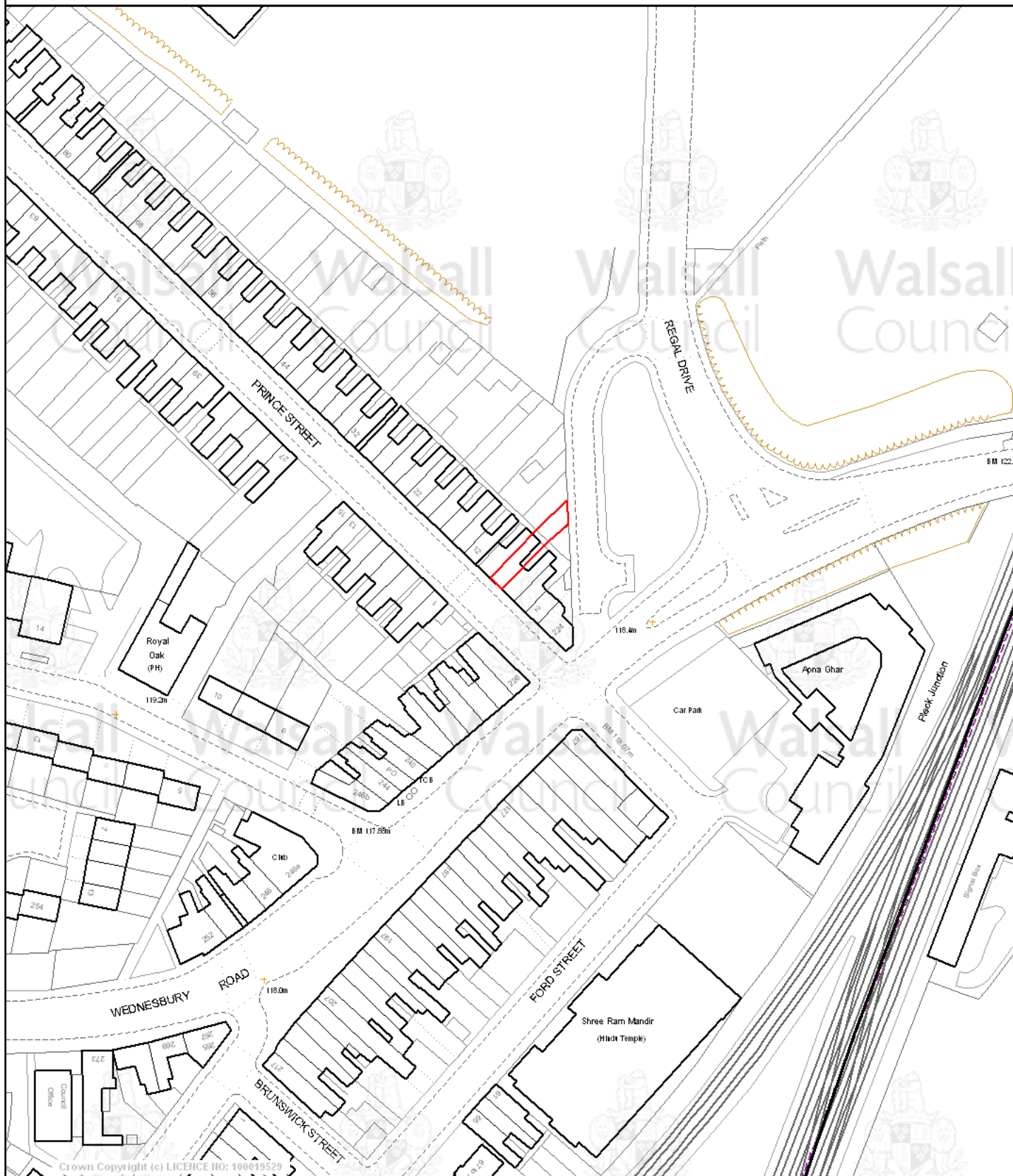
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8 Prince Street



Walsall Council

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4 Heron Close

