



Walsall Council

Item No.

Development Control Committee
28 October 2008

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

2 Longwood Lane, Walsall

1. PURPOSE OF REPORT

To advise members of a breach of planning control and request authority 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 an Enforcement Notice and Requisition for Information Notices.
- 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 or the Requisition for Information Notices 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 requirement(s) of the Notice or identifying the boundaries of the site:

Breach of Planning Control

The erection of a sloping roof, wire and post.

Requirements of the Enforcement Notice

To permanently remove the sloping roof and replace with a flat roof as required in planning application 04/0039FL/H4.

To remove the post and barbed wire from the site..

Reasons for issuing the Notice

The installation of barbed wire and a wooden post has a detrimental impact on the visual amenities of nearby residents and adversely affects the character of the area.

The addition of a sloping roof rather than the flat roof as approved by planning application 04/0039/FL/H4 closes the gap between no. 2 Longwood Lane and 451 Sutton Road reducing the visual break between the properties in an area which is mainly comprised of detached properties with gaps between..

The development is therefore contrary to policies GP2, ENV32, and H10 of the Walsall Unitary Development Plan.

3. **FINANCIAL IMPLICATIONS**

No additional costs arising from the report at this stage..

4. **POLICY IMPLICATIONS**

Officers consider that remedial action is necessary to comply with policies.

5. **LEGAL IMPLICATIONS**

Non-compliance with an enforcement notice is an offence and may lead to the instigation of prosecution proceedings.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

None arising directly from this report.

7. **ENVIRONMENTAL IMPACT**

The report recommends action to remedy an adverse impact on amenity.

8. **WARD(S) AFFECTED**

Pheasey Park Farm

9 **CONSULTEES**

None

10 **CONTACT OFFICER**

Tonia Upton
01922 652411

11. **BACKGROUND PAPERS**

Enforcement File – Not published
Planning Application files – 04/0039/FL/H4
06/2061/FL/H4, 07/0875/FL/H4

Head of Planning and Building Control

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12 BACKGROUND AND REPORT DETAIL

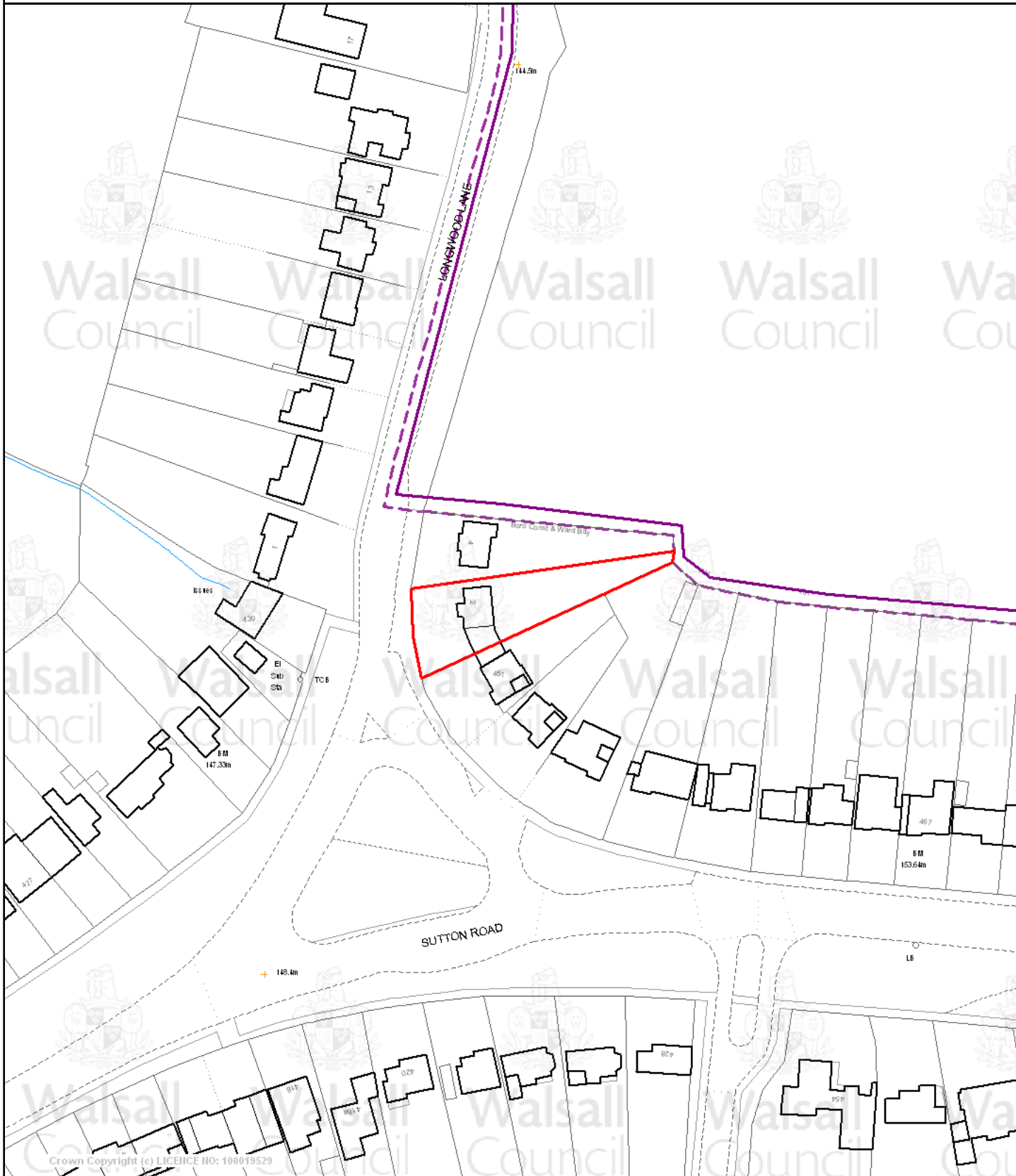
- 12.1 This matter relates to the installation of a sloping roof to a single storey garage rather than a flat roof as approved by planning permission, 04.0039/FL/H4 (which was for a two storey front, side and rear extension). The planning permission has (otherwise) been implemented however there have been continuing issues about the design of the garage roof. A wood post and barbed wire have also been erected on the garage roof.
- 12.2 Members will also recall that enforcement action was instigated last year in respect of an unauthorised pitched roof on the garage. The owner removed that roof before the enforcement notice was served. The breach was remedied but the roof to the garage remained unfinished.
- 12.3 The owner has stated that he does not want to erect a flat garage roof and has made two previous applications to change the roof design from the flat roof (as approved) to a pitched roof. However both applications have been refused, primarily due to the need to retain a gap between this property and no. 451 Sutton Road.
- 12.4 In April this year the owner erected a flat roof to the new section of the garage and a sloping roof to the original part of the garage. The original garage had a pitched roof in this location and the owner advises that the current sloping roof is the same as that which existed before planning permission was granted for the two storey extension. He has recently re-iterated this position, arguing that he sees no justification for the Council to take any action.
- 12.5 Officers accept that the previous garage had a pitched roof but this has been superseded by the permission for the extensions. The context of the garage roof changed significantly with the approval of the extensions, as the approved plans relied on the remaining separation between houses being maximised by the flat roof to the garage,. The gap between the houses avoids an unduly cramped appearance. Only a flat roof is appropriate.
- 12.6 In addition, a timber post 1 metre high and razor wire have recently been added over the front of the garage. These latest additions, are unsightly, and whilst modest in size are unduly prominent. I consider that it would be expedient to take enforcement action against them
- 12.7 The owner has been advised to remove the sloping roof, barbed wire and post. He has responded that the razor wire has been installed

following 3 recent break-ins (and others over the preceding years). His intention was to keep it for at least 12 months

- 12.8 Officers note these comments, but they do not affect the conclusion that enforcement action is required as set out.

Head of Planning and Building Control

2 Longwood Lane



Walsall Council

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