



Planning Committee
27th May 2010

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

813 Sutton Road, Walsall, WS9 0QJ

1.0 PURPOSE OF REPORT

- 1.1 To request authority to take planning enforcement action in respect of the erection of two canopies to the rear of 813 Sutton Road, Walsall.

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), to require remedial actions to be undertaken as shown below in 2.3.
- 2.2 To authorise that the decision as to the institution of prosecution proceedings, in the event of non-compliance with an Enforcement Notice, or the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of Injunctive proceedings in the event of a continuing breach of control; be delegated to the Assistant Director - Legal and Constitutional Services in consultation with the Head of Planning and Building Control.
- 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 breaches the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site.:

Details of the Enforcement Notice

The Breach of Planning Control:-

The installation without planning permission of two canopies to the rear of the dwellinghouse which are not permitted development.

Steps required to remedy the breach:-

Remove both canopies from the rear of the house and remove all associated materials from the site.

Period for compliance: 2 months after this notice takes effect

Reasons for taking Enforcement Action:-

The canopies by virtue of their size are disproportionate to the dwellinghouse. They are an incongruous form of development which is out of character with their surroundings having a detrimental impact upon visual amenity. The larger canopy due to its size and use of materials impacts upon the outlook of adjacent residential properties to the detriment of residential amenity. The development is therefore unacceptable because it is contrary to policies 2.2, 3.6, GP2 and ENV32 of Walsall's Unitary Development Plan, Policy DW3 of Supplementary Planning Document Designing Walsall and guidance given in Planning Policy Statement 1.

3.0 **FINANCIAL IMPLICATIONS**

None arising directly 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 directly from this 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**

Aldridge Central and South

9.0 **CONSULTEES**

9.1 None.

10.0 **CONTACT OFFICER**

James Fox and Paul Hinton
Planning Enforcement (East) - 01922 652527

11.0 **BACKGROUND PAPERS**

Enforcement file not published.

D. Elsworthy, Head of Planning and Building Control Services

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12.0 BACKGROUND AND REPORT DETAIL

- 12.1 In August 2009 it was reported to officers that a canopy structure had been erected to the rear of the house (comprising a wooden frame with perspex sheets forming a covered area – this is referred to as canopy A). The structure is physically attached to the rear elevation of the house at an approximate height of 5m and in line with the top of the first floor windows. The structure projects approximately 4m from the back of the original house and mostly covers the single storey rear extension.
- 12.2 A second canopy (canopy B) comprising a wooden frame with metal supports with perspex sheets projects approximately 2m over the patio area from the edge of the roof of the rear extension. This canopy is located in the centre of the property with a width of approximately 3m. The canopy is used to cover a collection of bricks and building material.
- 12.3 Officers have been advised that canopy A was required as a temporary structure to facilitate repair to part of the brick work and the roof of the rear extension and it was required for a period of 12 months. The owner was advised that the structure required planning permission but due to it being disproportionate to the rear elevation and having an unacceptable visual impact on the amenity of neighbours any application for its retention would be likely to be refused. In January the owner was advised to remove the canopy by early March.
- 12.4 In the absence of any correspondence from the owner a further letter was sent at the end of March advising that authorisation for enforcement action would be requested from the Development Control Committee. The owner responded stating that he had not received the original letter and since the officer's site visit had made alterations to the structure.
- 12.5 The site was re-inspected. Canopy A had been altered since the previous visit. The perspex sheets remain in a wooden frame but are now supported by a framework of scaffolding poles. The edge of the canopy remains attached to the rear of the building at a height just below the top of the first floor windows. The end of the projection has been lowered so it is the same height of the roof of the extension. The width and projection remain as before. Canopy B remains unaltered.
- 12.6 The owner was advised that both canopies require planning permission and while an application for their retention still could be submitted officers consider it still unlikely that any application would be approved. No application has been submitted. The canopies are an incongruous form of development which are out of character with their surroundings having a detrimental impact upon visual amenity. The larger canopy due to its size and use of materials impacts upon the outlook of adjacent residential properties to the detriment of residential amenity. It is therefore considered reasonable that enforcement action is now taken to ensure the removal of both structures.

- 12.7 During the site visit the owner stated his intention to submit a planning application proposing a first floor rear extension, which if approved would necessitate the removal of the canopies. If an application were submitted then the serving of an Enforcement Notice could be held in abeyance until the outcome of that application was known. If an application were approved and works commenced immediately then the serving of an enforcement notice may not be necessary. However if works did not commence immediately then it would be reasonable to take action.
- 12.8 At the time of writing no planning application has been submitted and unauthorised developments remain on site. Officers therefore request that authorisation is given to serve an Enforcement Notice.

813 Sutton Road, Walsall

