



Development Control Committee
DATE - 7 August 2007

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

118 Greenside Way

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 canopy.

Steps required to remedy the breaches:-

Remove the canopy and any resulting debris from the site.

Period for compliance:-

2 months.

Reasons for taking Enforcement Action:-

The canopy is over-dominant on the house and its projection forward of the original bay has obscured this feature of the original house and harmed its character and that of the street. 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

Palfrey

9.0 CONSULTEES

Related planning application 07/0005/FL/H1 was subject to normal publicity.

10.0 CONTACT OFFICER

Tonia Upton

Planning Enforcement Team: 01922 652411

11.0 BACKGROUND PAPERS

Planning application file 07/0005/FL/H1 and the enforcement file

D. Elsworthy Head of Planning and Building Control

Development Control Committee
7 August 2007

12 BACKGROUND AND REPORT DETAIL

- 12.1 The canopy was been built without planning permission and a retrospective planning application to retain it was refused in March 2007.
- 12.2 The canopy is considered to be over-prominent and obscures the bay of the original house. Other canopies which have been erected in the area are not as prominent as this. The front of the house faces south and because of the projecting bay to number 114 the canopy has caused a loss of light to this property.
- 12/3 In the circumstances enforcement action is recommended as set out in the recommendations.