



Development Control Committee

DATE - 17 July 2007

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

98 Delves Road, Walsall. Ref E06/0514

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 installation of two dormer windows

Steps required to remedy the breaches:-

Removal of the dormer windows; and the installation of sky lights as approved by planning application 05/2229/FL/H7.

Period for compliance:-

2 months.

Reasons for taking Enforcement Action:-

The dormers have resulted in an overbearing impact and an unacceptable loss of privacy to the adjoining dwellings in Highgate Road because of their close proximity to the boundary, and their height above adjoining gardens. The development is therefore contrary to Walsall's 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

St Matthews

9.0 CONSULTEES

Related planning application 06/1732/FL/H4 was subject to normal publicity.

10.0 CONTACT OFFICER

Tonia Upton

Planning Enforcement Team: 01922 652411

11.0 BACKGROUND PAPERS

Planning Applications 06/1732/FL/H5

Enforcement file

D. Elsworthy Head of Planning and Building Control

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12 BACKGROUND AND REPORT DETAIL

- 12.1 The Planning Enforcement team received complaints about this property and the installation of dormer windows in July 2006. Investigations concluded that the residential extension was not being built in accordance with the approved planning application 05/2229/FL/H7 for a two storey side extension.
- 12.2 A retrospective planning application was invited and received on 3 October 2006. The application was refused on 27 November 2006. A ministerial planning appeal has not been made.
- 12.3 Due to their location close to the boundary, and their height above adjoining gardens, the dormer windows have an overbearing impact and have led to the loss of privacy for the residential occupiers of the adjoining dwellings in Highgate Road.
- 12.4 The approved plans included sky lights rather than the dormer windows and this would be a much more acceptable solution and the enforcement action recommended requires this as the minimum required to resolve the problem..
- 12.5 In the circumstances enforcement action is recommended as set out in the recommendations.