



Walsall Council

Item No.

DEVELOPMENT CONTROL COMMITTEE **25th April 2006**

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

115 Sutton Road, Walsall Reference number 2005/0273/CMP

1.0 PURPOSE OF REPORT

- 1.1 To request authority to take enforcement action in respect of building in a rear garden for which retrospective planning permission has been refused.

2.0 RECOMMENDATIONS

- 2.1 That authority is given for the issuing of enforcement notices under the 1990 Act to require the reduction in height of the building.
- 2.2 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 Assistant Director - Legal and Constitutional Services.
- 2.3 That authority be delegated to the Assistant Director – Legal and Constitutional Services, in consultation with the Head of Planning and Transportation, to amend and add to or delete from the wording stating the nature of the breach(es) the reason(s) for taking enforcement action, and the requirement(s) of the Notice or the boundaries of the site.

Details of the Enforcement Notice

The Breaches of Planning Control:

The height of the rear building exceeds 3 metres in height and therefore requires planning permission as set out under Class E of the Town and Country Planning (General Permitted Development Order) 1995.

Steps required to remedy the breaches:

Reduce the height of the existing roof to a maximum of 3 metres in height (for a flat or monopitch roof) or 4 metres in height for a ridged roof) or

demolish the building and remove all resultant debris to an unauthorised place of disposal.

Period for compliance
2 months:

The reasons for taking enforcement action:

The design of the building with a mono-pitch roof and the highest part abutting the boundary is detrimental to the visual amenity of houses to the rear by reason of the excessive height adjacent the boundary. The development is therefore contrary to the policies GP2 and ENV32 in the Walsall Unitary Development Plan.

3.0 FINANCIAL IMPLICATIONS

For the Council none arising directly from this report.

4.0 POLICY IMPLICATIONS

The report recommends enforcement action in order to seek compliance with planning policies.

5.0 LEGAL IMPLICATIONS

Non-compliance with an Enforcement Notice is an offence and if this occurred it would be open to the Council to instigate legal proceedings.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7.0 ENVIRONMENTAL IMPACT

The report seeks enforcement action to remedy adverse impacts.

8.0 WARD(S) AFFECTED

9.0 CONSULTEES

None

10.0 CONTACT OFFICER

Tonia Upton – Planning Enforcement Team
Tel; 01922 652411.

11.0 BACKGROUND PAPERS

Planning enforcement file -not published

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12.0 BACKGROUND AND REPORT DETAIL

Introduction and history

- 12.1 This building was refused permission under delegated powers on 3 January 2006. The building is still present and enforcement action should be taken.
- 12.2 The building is over 5 metres from the house and is 7 metres long and 3,7 metres wide and has a mono-pitched roof measuring between 2.5 and 3.5 metres high. The building is located directly adjacent the rear boundary with 104 The Crescent and the neighbouring house number 117 Sutton Road.
- 12.3 The rear wall has a significant adverse visual impact on the houses at the rear.
- 12.4 It should be noted that a building that does not exceed 3 metres in height or 4 metres if the mono-pitched roof was changed for a pitched roof would not need planning permission and the requirements of the notice reflect this.

HEAD OF PLANNING AND TRANSPORTATION

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