



Development Control Committee
DATE - 15 July 2008

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

207 Wednesbury Road, Walsall – First Storey Extension

1.0 PURPOSE OF REPORT

To request authority to take planning enforcement action

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 and 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 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 first storey rear extension.

Steps required to remedy the breaches:-

Permanently remove the extension and ensure any damage to the original building is made good and ensure that any resulting debris and materials are removed from the site.

Period for compliance:-

2 months.

Reasons for taking Enforcement Action:-

The extension is detrimental to the amenity of surrounding occupiers due to its size and proximity to adjoining windows, which would have an overbearing effect and the loss of privacy arising from the access onto the flat roof. The approval of this application would therefore be contrary to Walsall's Unitary Development Plan, in particular policies GP2, 3.6, ENV32, and H3 and adopted Residential Standards.

The design of the extension and its materials are inappropriate to the original building and to its neighbours. The first floor position and size of the extension exacerbates these concerns. The extension is an unduly dominant feature in the streetscene and detrimental to visual amenity/ and as such the development is contrary to Walsall's Unitary Development Plan, in particular policies GP2, 3.6, ENV32 and H8 and adopted Residential 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

Pleck

9.0 CONSULTEES

Related planning application 07/0749/FL/W3 was subject to normal publicity.

10.0 CONTACT OFFICER

Tonia Upton

Planning Enforcement Team: 01922 652411

11.0 BACKGROUND PAPERS

Planning Applications 07/0749/FL/W3

Enforcement file

D. Elsworthy
Head of Planning and Building Control

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12 BACKGROUND AND REPORT DETAIL

- 12.1 This matter relates to a retrospective planning application for a first floor rear extension for which planning permission was refused under delegated powers on 5 July 2007. The site forms one of a row of terraced properties which are used as shops on the ground floor with ancillary or residential accommodation above. The reasons for refusal of the planning application primarily related to its design and its detrimental impact on the amenity of the area as set out in paragraph 2.3 of this report.
- 12.2 An appeal was made against the planning decision and the appeal was dismissed on 8 May 2008, the reasons for the refusal were supported by the inspector who stated that the “development causes significant harm to the character and appearance of the property and the surrounding area”.
- 12.3 Given that the extension has already been built enforcement action is recommended as set out in order to ensure that it is removed. In this case removal of the extension is the only reasonable way that this matter can be resolved and the requirements of the enforcement notice will reflect this.

207 Wednesbury Road, Pleck, Walsall WS2 9QL

