



Walsall Council

Item No.

DEVELOPMENT CONTROL COMMITTEE **25th April 2006**

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

81 Forrester Street Reference number 2004/0682/CMP

1.0 PURPOSE OF REPORT

- 1.1 To request authority to take enforcement action in respect of an unauthorised first floor extension and an extraction flue 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 removal of the first floor extension and the extraction flue.
- 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 construction of a first floor extension and installation of an extraction flue.

Steps required to remedy the breaches:

Removal of the first floor extension and the extraction flue.

Removal of all resultant debris to an authorised place of disposal.

Period for compliance

3 months:

The reasons for taking enforcement action:

The first floor extension by reason of its design, size and situation at first floor is overbearing and harmful to the visual amenities of the area and in particular the amenities enjoyed by adjacent residents. The first floor extension is therefore contrary to the policies GP2, 3.6, ENV32, and H10(a) in the Walsall Unitary Development Plan.

The size, design and materials of the flue give it an industrial appearance which is both ugly and inappropriate this close to residential property. The flue is visually intrusive, dominating the adjacent garden in particular and detrimental to the visual amenities of the area. The approval of this application would be contrary to policies GP2, 3.6, 3.7 and S10 of Walsall's adopted Unitary Development Plan.

The flue is detrimental to the amenities of adjacent occupiers by reason of noise and smell. The approval of this application would therefore be contrary to policies GP2, 3.6, 3.7 and S10 of Walsall's 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 OFFICERS

Tonia Upton – Planning Enforcement Team
Tel; 01922 652411.

11.0 BACKGROUND PAPERS

Planning enforcement file -not published

HEAD OF PLANNING AND TRANSPORTATION

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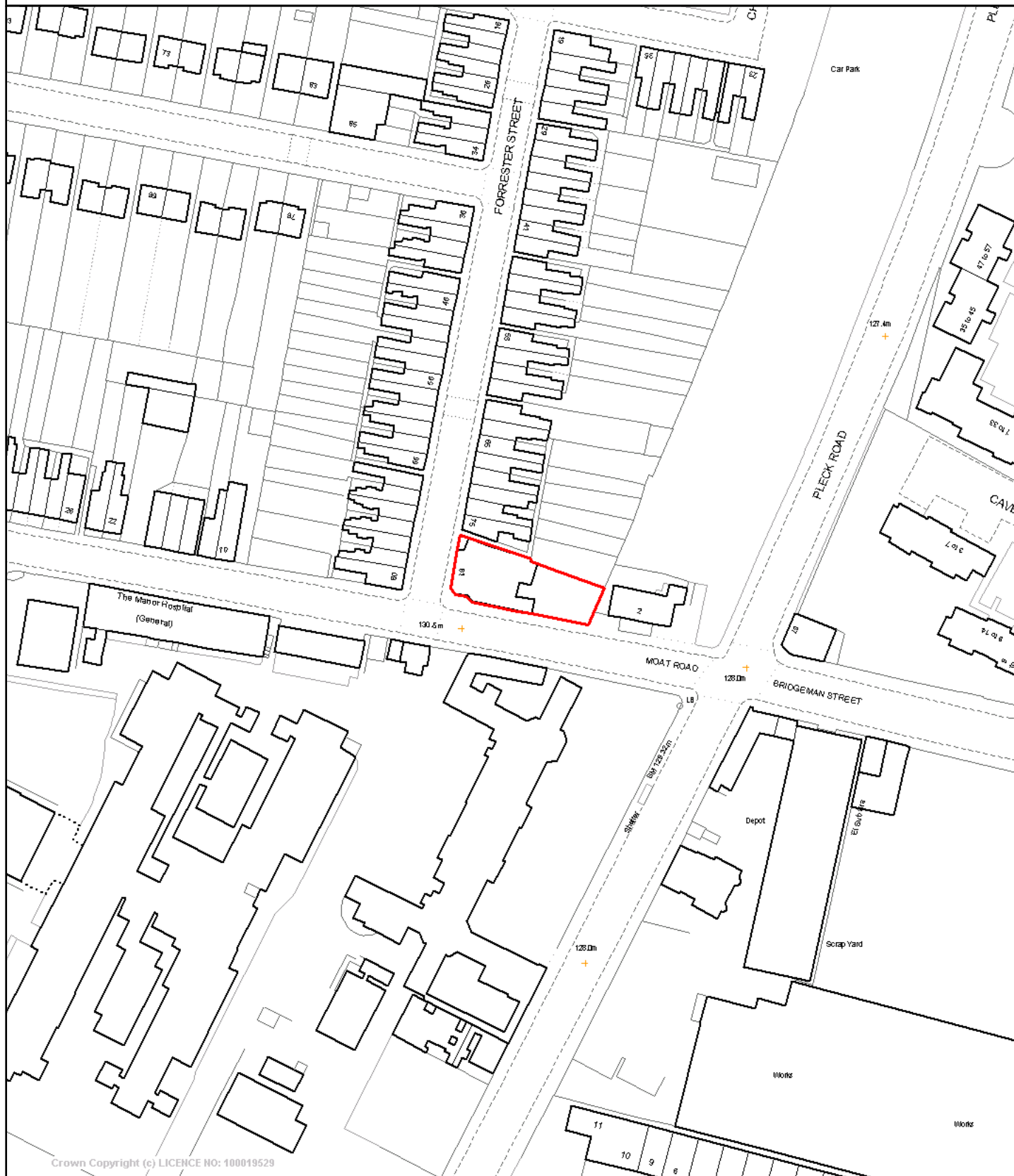
12.0 BACKGROUND AND REPORT DETAIL

Introduction and history

- 12.1 The property is a mix of shop, takeaway and dwelling. A retrospective planning application for an extraction flue was refused on 26 October 2005 for reasons set out in paragraph 2.3 of this report. The flue is still in place now and enforcement action should be taken seeking its removal.
- 12.2 In addition, a first floor extension was constructed without planning permission in 2005. The extension provides additional residential accommodation. The owner advised in January Planning permission is required for the extension.
- 12.3 Enforcement action should only be taken when it is expedient to do so.
- 12.4 In this case it is considered that the extension would not obtain planning permission due to its inappropriate visual appearance and its detrimental impact upon the amenity of the area. The extension is at first floor level and clearly visible to residents of nearby dwellings in Forrester Street from both their rear gardens and from the pedestrian access way which serves their properties.
- 12.5 Further the building is constructed from timber and upvc and has a plastic roof. The extension is considered by the owner to be a temporary addition and the materials used reflect this. The use of these materials, however do nothing to improve the situation, particularly in a visually prominent location.
- 12.6 For these reasons the extension is contrary to policies as set out in the adopted Walsall Unitary Plan. GP2, and 3.6 require developments to help improve the environment of the borough and sets out that proposals having an adverse effect on adjoining properties will not be approved. Further Policy H10 (a) states that the Council expect the design of residential extensions to create a high quality living environment, well integrated with surrounding land uses. The first floor extension fails to satisfy this policy.

HEAD OF PLANNING AND TRANSPORTATION

81 Forrester Street, Walsall



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