



Item No.

Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE 19th July 2005

REPORT OF HEAD OF PLANNING AND TRANSPORTATION

454 Sutton Road, Walsall

Reference number 2004/0461/CMP

1.0 **PURPOSE OF REPORT**

- 1.1 To inform Members of a breach of planning control at the house referred to above, and request authority to take planning enforcement action.

2.0 **RECOMMENDATIONS**

- 2.1 To authorise the issue of an enforcement notice in respect of an unauthorised boundary wall and gates, to require their removal or their reduction in height, as shown below in paragraph 2.3.
- 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 Head of Legal Services.
- 2.3 That authority be delegated to the Head of Planning and Transportation and the Head of Legal Services to amend and 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:

- Erection of wall to the front and side boundaries.
- Erection of gates to the front boundary.

Steps required to remedy the breach:

- Remove the gates.
- Dismantle the wall down to ground level, dig-up its foundation and infill the resulting hole with soil.

Alternatively dismantle and reduce the wall so that its finished height, including any coping or any other part, does not exceed 1 metre above previous ground level at any point.

Remove all rubble, components and debris to an authorised place of disposal.

Period for compliance:

2 months from when the notice takes effect.

The reasons for taking enforcement action:

1.The area is generally characterised by low walls to frontages. The height and appearance of the wall and its integral gates is out of keeping with the area. The wall occupies a prominent corner position at the junction of Sutton Road and Fallowfield Road and its prominence is further increased by the light colour of the bricks that have been used. The expanse of brickwork so close to the footway in this prominent location presents a discordant and hard, urban, feature which is alien to the general suburban character of frontages in the locality. The wall and gates therefore adversely affect the street scene by reason of over-dominance and being out of character. They are therefore contrary to policies 3.6, ENV 32 and GP 2 in Walsall's Unitary Development Plan.

2.The close proximity of the wall to the footway at the front means that the wall obstructs the view between pedestrians and vehicles emerging from the site, to the detriment of pedestrian safety. The wall is therefore contrary to policies 7.8 and T13 in Walsall's Unitary Development Plan.

3.0 FINANCIAL IMPLICATIONS

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

Pheasey Park Farm

9.0 CONSULTEES

None directly, but consultations were carried out for the related planning application 04/1967/FL/H4

10.0 **CONTACT OFFICERS**

Philip Wears and Paul Hinton – Planning Enforcement Team
Tel: 01922 652411 and 652527

11.0 **BACKGROUND PAPERS**

Planning Application 04/1967/FL/H4

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12.0 **BACKGROUND AND REPORT DETAIL**

- 12.1 Complaints were received regarding the erection of a high brick wall to the front of 454 Sutton Road, and to the side along Fallowfield Road. A plan showing the location of the house and wall is attached to this report.
- 12.2 The owner submitted a retrospective planning application reference 04/1967/FL/H4 for the wall and gates to be retained. The wall is stepped to follow the slope on the front and side boundaries on Sutton Road and Fallowfield Road. It is about 1.8 metres high but has pillars about 2.5 metres high, spaced at 2.4 metre intervals, and incorporating very ornamental cappings. On Sutton Road there are also double metal-railing type gates about 2.5 metres high.
- 12.3 This application was refused for reasons similar to those given in paragraph 2.3. A subsequent appeal was lodged, but this was dismissed. I therefore recommend to Members that enforcement action is necessary as set out in section 2.0 to require the removal or alteration of the wall and gates. The requirements in paragraph 2.3 are intended to secure substantial improvements to amenity and pedestrian safety by the complete removal of the wall and gates, or the reduction of the wall to no higher than the maximum 1 metre in height which could be erected as 'permitted development'.

HEAD OF PLANNING AND TRANSPORTATION

454 Sutton Road, Pheasey Park Farm

