



Walsall Council

DEVELOPMENT CONTROL COMMITTEE
30 January 2007

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

1 Brook Meadow Road, Shelfield Reference number 2005/0763/CMP

1.0 PURPOSE OF REPORT

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

2.0 RECOMMENDATIONS

That authority be delegated to the Assistant Director – Legal and Constitutional Services, and the Head of Planning and Building Control for the issuing of enforcement notices under the 1990 Act to require the removal of the conservatory. And that authority be delegated to the Assistant Director- Legal and Constitutional Services and the Head of Planning and Building Control for the issuing of Requisition for Information Notices.

- 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 Building Control, 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 erection of a conservatory

Steps required to remedy the breaches:

Removal of the conservatory and removal of the resulting debris from the site.

Period for compliance

2 months:

The reasons for taking enforcement action:

The limited distance between the rear of the conservatory and the habitable first floor windows of numbers 1, 3 and 5 Woodhaven will result in an unacceptable loss of privacy to the occupiers of the houses in Woodhaven. itself. The development is therefore contrary to the policies GP2 and ENV32 , H10 in the Walsall Unitary Development Plan and Residential Development Standards.

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

Rushall-Shelfield

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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1 Brookmeadow Road, Shelfield

12.0 BACKGROUND AND REPORT DETAIL

Introduction and history

- 12.1 This conservatory was refused permission under delegated powers on 22 March 2006. The conservatory is still present and enforcement action should be taken. Several discussions about this matter have taken place with the applicant since that decision was made and he was advised of the opportunity to make an appeal against the refusal. An appeal was not made.
- 12.2 The conservatory projects 4.7 metres from the existing rear wall of the house and is 4.7 metres wide with the elevation nearest to the boundary with number 1 Woodhaven. The conservatory has a pitched roof.
- 12.3 The houses to the side and rear in Woodhaven all have habitable room windows at first floor level which face towards the conservatory. The rear of the conservatory directly faces the rear of numbers 3 and 5 Woodhaven and the side elevation faces the rear of number 1 Woodhaven.
- 12.4 The distance between the rear of the conservatory and the first floor bedroom windows of numbers 1, 3 and 5 Woodhaven has been reduced to less than the minimum 24 metres required by policy. It is 3 metres less than the minimum 24 metres in respect of number 1 Woodhaven, 6 metres less in respect of number 3 Woodhaven and 7.5 metres in respect of number 5 Woodhaven. This leads to a loss of privacy and an overbearing impact on the neighbours dwellings, which is contrary to policy.
- 12.5 Whilst there are other conservatories at nearby dwellings it should be noted that these have greater separation between habitable rooms than this one and/or they are smaller in size.
- 12.6 The planning permission for the original estate development removed permitted development rights for extensions.

HEAD OF PLANNING AND BUILDING CONTROL