

WARDS AFFECTED:  
Netherton, Woodside and St.  
Andrew's

REPORT TO DEVELOPMENT CONTROL COMMITTEE SEEKING  
AUTHORITY FOR ENFORCEMENT ACTION

**ENFORCEMENT**

LOCATION

2, Fulwood Crescent, Dudley, DY2 0SQ

REF

F/134/02/01/N

**BACKGROUND**

1. This report relates to unauthorised works which have been undertaken to a domestic dwelling house. Specifically, a front canopy has been erected and brown plastic pillars added without the necessary planning permission.
2. The property is a semi-detached house to which several extensions and alterations have been made over the years. These include a two storey side extension, a single storey side extension and a single storey rear extension.
3. In addition to the previous additions to the property, a planning application (reference P11/1623) was submitted in December 2011 which proposed the erection of a single storey side extension and the addition of a decorative canopy, supported by brick columns, to stretch across part of the property's frontage. This application was approved in March 2012. However, in August 2012 it came to the attention of officers that the development had not been completed in accordance with the approved plans. Specifically, the canopy had been erected across the whole of the property's front elevation, rather than across

part of it as had been approved, and also the canopy was being supported by brown plastic columns, rather than by brick columns as had been approved. A canopy of this scale and design had originally been proposed when planning application P11/1623 was submitted, however following the expression of concern by the Local Authority that the proposed design would result in the canopy appearing overly prominent and visually incongruous, the design was amended by the applicant to that which was subsequently approved. The completed development therefore followed the original proposed design despite this having been deemed unacceptable in planning terms.

4 The resulting enforcement investigation confirmed that a planning breach had taken place and the property owners were therefore invited to submit a retrospective planning application to regularise the breach. This application (reference P13/0526) was received in October 2012.

5 Planning application P13/0526 was assessed against the usual planning criteria, and was refused under delegated powers on 3<sup>rd</sup> December 2012. The following reason was given for refusal of the application: -

*The scale, design and materials of the front canopy roof and pillars are inappropriate additions for a dwelling of this type, being visually unsympathetic to the traditional style of the property itself and failing to respect the character of the wider locality. These additions to the property appear incongruous and discordant in the street scene. The development is thus contrary to BCCS policies ENV2 & 3, saved policy DD4 -Development in Residential Areas of the adopted Dudley Unitary Development Plan (2005) and Supplementary Planning Guidance Note 17 – House Extension Design Guide.*

6 Following refusal of the application, the applicants submitted an appeal to the Planning Inspectorate seeking to overturn the decision. This appeal was duly considered and was dismissed by the Inspector in

early 2014. In dismissing the appeal, the Inspector concurred with the Local Authority's view that the materials which had been used in the development were obtrusive and inappropriate in their surroundings, and that the scale of the canopy was such that it appeared overly dominant, particularly in this prominent elevated location. The Inspector therefore held that the development was harmful to the character and appearance of the area and was therefore unacceptable.

- 7 In light of the reasons given for the refusal of the application, and the fact that the unauthorised canopy and pillars remain in place, it is now considered necessary to take formal enforcement action against the unauthorised development which has taken place. This report therefore seeks authority for the service of an Enforcement Notice on the property. It is proposed that the Notice should require the property owners either to reverse the unauthorised development by removing entirely the canopy and pillars, or to implement the scheme previously approved under application P11/1623, which proposed a similar smaller canopy constructed of more appropriate materials.

## **BREACH OF PLANNING CONTROL**

Without planning permission, and within the last four years, the erection of a section of canopy to the front of the property and also the installation of four supporting brown plastic pillars.

## **WHAT IS REQUIRED TO BE DONE**

### **EITHER**

- i) Demolition of the whole of the front canopy including the unauthorised section and the section which is supported by the unauthorised pillars.

### **OR**

- ii) The removal of the unauthorised section of canopy and of the four brown plastic pillars, and the replacement of the plastic pillars with brick pillars,

as shown in the attached drawing (taken from the plan 'Job no. 4498 – Drawing No. 02 - Revisions B'), which was approved under planning application P11/1623.

- iii) Whether option (i) or (ii) is taken, any building materials, debris and other waste which is produced during the works must also be removed.

#### **TIME FOR COMPLIANCE**

Two months after this notice takes effect.

#### **REASONS FOR ENFORCEMENT**

The scale, design and materials of the front canopy roof and pillars are inappropriate additions for a dwelling of this type, being visually unsympathetic to the traditional style of the property itself and failing to respect the character of the wider locality. These additions to the property appear incongruous and discordant in the street scene. The development is thus contrary to BCCS policies ENV2 & 3, saved policy DD4 -Development in Residential Areas of the adopted Dudley Unitary Development Plan (2005) and Supplementary Planning Guidance Note 17 – House Extension Design Guide.

#### **ENCLOSURES:**

1. Excerpt from the plan 'Job no. 4498 – Drawing No. 02 - Revisions B', which was approved under planning application P11/1623, showing the extent of the approved canopy and the brick pillars which were also granted consent at that time.
  
2. Photograph showing the development as it currently stands.

#### **RECOMMENDATION**

It is recommended that enforcement action is authorised against the unauthorised canopy and pillars.

**Location Map showing site location**



**Extract from plans approved under application P11/1623 which show the width of the approved canopy and the approved brick pillars**



It is recommended that enforcement action is authorised against the unauthorised canopy and pillars.

**Location Map showing site location**



**Extract from plans approved under application P11/1623 which show the width of the approved canopy and the approved brick pillars**



**Photographs showing the current unauthorised development No. 2**  
**Fulwood Crescent**

