HALESOWEN AREA COMMITTEE

17th NOVEMBER 2004

REQUEST TO: RELEASE A RESTRICTIVE COVENANT

LOCATION: 10 LINDEN AVENUE, HALESOWEN
(As Shown Outlined in black on the plan attached)

BACKGROUND

An application has been received from the owner of 10 Linden Avenue, Halesowen, a private property, for the release of a restrictive covenant contained within the conveyance of an area of land to the rear of the property, that was purchased form the Council in 1981 for garden purposes.

The covenant that benefits the Directorate of Housing, states that the owner must use the land for garden purposes only.

The applicant states that the land has now become a maintenance burden to him and he is exploring solutions. He is therefore considering using the land and part of site of 10 Linden Avenue to build a small bungalow to provide affordable housing and he therefore wishes the Council to consider releasing the restrictive covenant that restricts the land to the rear to be used for garden purposes only.

COMMENTS

The relevant Council Directorates have been consulted regarding the application and the Directorate of Housing have no objections as it does not affect their tenants, providing access is gained from alongside 10 Linden Avenue. However, objection have been received from the Directorate of Law and Property and the Directorate of the Urban Environment as such a tandem development is not normally acceptable and the dimensions of the site and of the proposed access alongside 10 Linden Avenue are not sufficient to meet regulations. The new property would also be overlooked by existing properties.

The land is also bordered by public rights of way.

It was noted that the property is now on the market for sale.

PROPOSAL

That the Area Committee advise the Lead Member for Housing to refuse the application.

BACKGROUND PAPERS
Correspondence with applicant
Emails and Memos from Council Directorates

Contact Officer: Gill Hudson, Property Manager Ext 5311

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