

AGENDA ITEM NO. 7ii

WARDS AFFECTED:
Netherton, Woodside &
St.Andrews

DEVELOPMENT CONTROL COMMITTEE 6TH FEBRUARY 2006

**JOINT REPORT OF THE DIRECTOR OF LAW AND PROPERTY AND THE
DIRECTOR OF THE URBAN ENVIRONMENT**

ENFORCEMENT

LOCATION 105 LYNBROOK CLOSE, NETHERTON, DUDLEY, DY2
9HE

REF L/179/03/01

BACKGROUND

- 1 Initially, a complaint was received regarding the erection of a balcony on a flat roof of an existing ground floor rear extension at 105 Lynbrook Close, Dudley in July 2005. Following a site visit by an officer it was noted that the ballustrading was in place allowing use as a balcony and that no planning permission had been given for it.
2. The owner was contacted by letter on the 22nd August 2005 and a retrospective planning application (P05/2088) for the retention of the balcony was subsequently submitted. This was refused under delegated powers on 15th November 2005.
3. A call was received on the 23rd November 2005, from the occupiers when it was explained that the balcony had to be removed.
4. The occupiers were contacted on the 6th January 2006, the balcony is still in place and they stated that they would be appealing the planning decision, but none has been received.

BREACH OF PLANNING CONTROL

- 5 The unauthorised erection of ballustrading on the flat roof of the rear of 105 Lynbrook Close, Netherton, Dudley, DY2 9HE. (see attached plan)

WHAT IS REQUIRED TO BE DONE

- 6 The removal of the ballustrading from the flat roof in its entirety.

TIME FOR COMPLIANCE

7 1 month

REASONS FOR ENFORCEMENT

- 8 The development has a detrimental effect on the amenity of the adjoining property by way of enabling overlooking of the neighbouring rear garden, resulting in a clear loss of privacy. The development is in clear conflict with Policy DD4 – development in Residential Areas of Dudley’s Adopted Unitary Development Plan (2005) and SPG PGN 17.