

AGENDA ITEM NO. 7a

WARDS AFFECTED:

St.Thomas's

DEVELOPMENT CONTROL COMMITTEE 15TH MAY 2006

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

ENFORCEMENT

LOCATION 21 CLAUGHTON ROAD, DUDLEY, DY2 7EA

REF C/185/02/01

BACKGROUND

- 1 In November 2005 the planning enforcement team received a complaint about a building and fencing to the rear of 21 Claughton Road, Dudley. Subsequent site visits established that work had been undertaken which required planning permission in relation to the building of an extension and boundary fencing to the rear and a rebuilt garage at the front. The owner and his agent were informed of the need for planning permission and that any further development should be ceased.
- 2 Following correspondence between the owner and Council officers, a retrospective planning application was submitted on 2nd March 2006 (P06/0415). This application was refused on 21st April 2006 due to the detrimental impact that the proposal has on neighbouring amenity and highway safety.
- 3 During investigation of this matter it became evident that in addition to the development which was subject of the planning application other work had been undertaken which required planning permission. Specifically the significant increase in land levels to the rear of the property. The owner was made aware of the situation and advised that should he wish to retain the land level that he would have to make an application. He was also warned that this development may not gain consent due to the impact on amenity and loss of privacy to neighbouring properties.
- 4 To date no planning application has been received relating to the altered land levels. It is noted that this development remains in situ.

- 5 Due to the serious detriment to the amenity of neighbouring residents and it is considered that the pursuit of formal enforcement is necessary to resolve the situation.
- 6 Although the garage is a breach and is considered not to meet the necessary drive length, the pursuit of enforcement action which may require the removal of the garage is considered to be excessive. This garage is a rebuild of a previous garage and the previous garage was in an almost identical position. It would not be proportionate to the breach to require the garage to be removed.

BREACH OF PLANNING CONTROL

- 7 The unauthorised erection of single storey side and rear extensions, boundary walls and fencing exceeding 2m in height; and alteration of land levels considered to be an engineering operation at the rear of the property (see attached plan).

WHAT IS REQUIRED TO BE DONE

- 8
 - i) The removal of the single storey;
 - ii) The return of the land to the rear to it's previous level;
and;
 - iii) The removal of all walls to the rear exceeding 2m in height from the original land level.

TIME FOR COMPLIANCE

- 9 4 months.

REASONS FOR ENFORCEMENT

- 10 The rear single storey extension results in a loss of light and outlook to no.20 Cloughton Road's rear facing habitable room window and private rear amenity space collectively. This loss of light and outlook has been exasperated by a significant change in land levels. As such the development is overbearing and is contrary to Policy DD4 (Development in Residential Areas) of the Adopted Dudley Unitary Development Plan 2005; Supplementary Planning Guidance Note 12 (The 45° Code) and Supplementary Planning Guidance Note 17 (House Extension Design Guidance).
- 11 The increased land level results in an overbearing feature which has a detrimental impact on the privacy and enjoyment of rear gardens of the occupiers of no.20 Cloughton Road and nos. 4 and 6 Watson Green Road. In addition the walls have been increased in height as a consequence of the level changes and are of poor visual appearance, to the further detriment of neighbours. As such this development is contrary to Policy DD4 (Development in Residential Areas) of the

Adopted Dudley Unitary Development Plan 2005 and Supplementary Planning Guidance Note 17 (House Extension Design Guidance).