

ENFORCEMENT REPORT

ERECTION OF AN UNAUTHORISED 2M HIGH BOUNDARY FENCE AT 153 TWENTYWELL LANE S17

1. PURPOSE OF REPORT

- 1.1 To inform members of a breach of the Planning Regulations and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 No 153 Twentywell Lane is a traditionally built two storey semidetached dwelling located on the junction between Twentywell Lane and Twentywell Rise; within an area that is predominantly residential in character.
- 2.2 A complaint was received, on 31 January 2013 concerning the erection of a 2m high timber panel fence along the boundary between the property and the highway (see photographs 1&2).
- 2.3 Correspondence was entered into with the owner of number 153 informing him that, under Class A (Minor Operations) of the Permitted Development Order 1995, the fence is not considered to be permitted development and that it should be reduced to a maximum height of 1m above ground level; so that planning permission will no longer be required.
- 2.4 To date the owner has not responded to the letter, and the height of the fence remains unchanged.

3 ASSESSMENT OF BREACH OF CONTROL

- 3.1 The fence is 2m high and has been erected adjacent to the highway: and is, therefore, not considered to be permitted development under Class A (Minor Operations) of the Permitted Development Order 1995 which states that:

“Development is not permitted under Class A if the height of a fence, or means of enclosure erected or constructed, adjacent to a highway, used, by vehicular traffic, would, after carrying out the development, exceed one metre above ground level.”

- 3.2 There are no similar fences in the immediate area, with the boundary treatments to the other properties, being a mixture of low masonry walls and hedges (see photographs 4&5). Located as it is, on the corner of Twentywell Lane and Twentywell Rise it is prominent and visually intrusive, failing to respect the local character in terms of boundary treatment. Therefore, the fence is considered to have a detrimental affect on the visual amenities of the street scene, and contrary to policies BE5 (h) and H14 (a) of the UDP.
- 3.3 Due its height the fence also restricts the line of sight for vehicles using the property's driveway, thus creating a potential safety issue for users of the highway, and is, therefore, contrary to policy H14 (h) of the UDP.
- 3.4 It is unlikely that the existing fence could be altered in such a way that would be considered acceptable without reducing it to a height that no longer requires planning permission (i.e. less than 1m in height).
4. REPRESENTATIONS.
- 4.1 One complaint has been raised with regard to highway safety and the detrimental visual impact the fence creates to the street scene.
5. ASSESSMENT OF ENFORCEMENT OPTIONS
- 5.1 Section 171C of the Town and Country Planning Act provides for the service of a Planning Contravention Notice. The notice requires information about the breach of planning control and property ownership. It also gives an opportunity for the recipient to meet with officers to make representations. Such a meeting could be used to encourage regularisation by retrospective application and/or discussions about possible remedies where harm has resulted from the breach. In this case it is clear that the fence is in breach of planning control and as such it is not considered that the serving of a PCN would be of any value.
- 5.2 Section 172 of the Act provides for the service of an enforcement notice (EN). In this case such a notice would require the removal of the fence to make good the harm caused by the unauthorised development.
- 6 EQUAL OPPORTUNITIES
- 6.1 There are no equal opportunity issues arising from the recommendations in this report.

7 FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising from the recommendations contained in this report.

8.0 RECOMMENDATIONS

8.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised timber fence at 153 Twentywell Lane.

8.2 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Photograph 1
Fence as viewed from Twentywell Lane



Photograph 2
Fence as viewed from the junction of Twentywell Lane and Twentywell Rise.



Photograph 3
Fence as viewed from Twentywell Rise



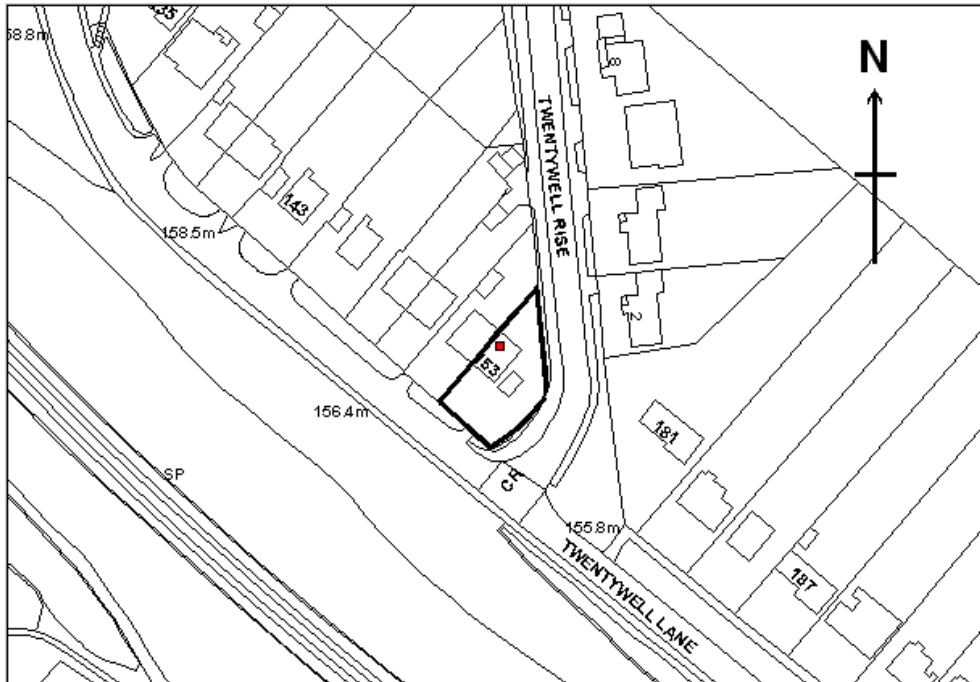
Photograph 4
Street scene to the south east of number 153



Photograph 5
Street scene to the north west of number 153



Site Plan



D Caulfield
Head of Planning Service

12 April 2013

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