
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 8
DATE OF MEETING:	18 th June 2002	CATEGORY: RECOMMENDED
REPORT FROM:	<u>DEPUTY CHIEF EXECUTIVE</u>	OPEN PARAGRAPH NO:
MEMBERS' CONTACT POINT:	R M Shirley (596750)	DOC:
SUBJECT:	Unauthorised length of boundary wall and railings, 2 Tulla close, Stenson Fields	REF: 9/2000/1094/F
WARD(S) AFFECTED:	Ticknall	TERMS OF REFERENCE: DC01

1.0 Reason for Exempt (if appropriate)

1.1 Not applicable

2.0 Recommendations

2.1 That the Development Control Committee authorise the service of an Enforcement Notice to require the 19.5 metres of wall and railings on the western and north-western boundaries of the property to be reduced to a height not exceeding one metre above the level of the adjoining highway.

3.0 Purpose of Report

3.1 To obtain the Committee's instructions.

4.0 Executive Summary

4.1 Not applicable

5.0 Detail

- 5.1 Planning permission was granted on 7th February 2001 for the erection of a boundary wall and an extension to enlarge the garage at the above property.
- 5.2 The approved plan specified a 2 metre high wall with attached railings on the south western boundary of the property and a 1 metre high wall on the western and north-western boundaries.

- 5.3 The wall on the western and north western boundary was subsequently finished with railings of a similar height to those incorporated in that erected on the south western boundary.
- 5.4 Following complaint, the matter was raised with the owner of the property who arranged for the submission of an amended application to retain the length of wall/railings in question.
- 5.5 Permission was refused for the reason that the fence was unacceptable as it is harmful to the character and appearance of the area.
- 5.6 An appeal was submitted and subsequently dismissed, the inspector agreeing with the Council's views in the matter and adding that the harmful impact of the extended wall/railings upon the mainly open frontages here was so serious that the appeal must fail.
- 5.7 A plan of the site and copies of decision notice 9/2001/564/F together with the inspector's decision are attached at Annexe A.

6.0 Financial Implications

- 6.1 None

7.0 Corporate Implications

- 7.1 Not applicable

8.0 Community Implications

- 8.1 Not applicable

9.0 Conclusions

- 9.1 In the light of the appeal decision, it is open to the Committee to authorise the service of an enforcement notice to require the reduction of the approximately 19.5 metre length of wall/railings on the western and north-western boundary of the dwelling to be reduced in height to that not exceeding 1 metre above the level of the adjoining highway.

10.0 Background Papers

- 10.1 Application Files 9/2000/1094/F and 9/2001/564/F. Enforcement file E/2000/437