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| REPORT TO: | DEVELOPMENT CONTROL COMMITTEE | AGENDA ITEM: 5 |
| DATE OF MEETING: | 5 th March 2002 | CATEGORY: RECOMMENDED |
| REPORT FROM: | <u>DEPUTY CHIEF EXECUTIVE</u> | OPEN PARAGRAPH NO: |
| MEMBERS' CONTACT POINT: | R M Shirley (596750) | DOC: |
| SUBJECT: | Unauthorised fence 14 Clifton Close, Swadlincote | REF: RMS/E2001/222 |
| WARD(S) AFFECTED: | Gresley | TERMS OF REFERENCE: DC01 |

1.0 Reason for Exempt (if appropriate)

1.1 N/A

2.0 Recommendations

2.1 That the Development Control Committee take no action in the matter.

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 Following a complaint, site inspections were carried out at the above location and at an adjoining property.

5.2 It was noted that a wooden panel fence supported by concrete posts and gravel boards was in evidence on the north eastern boundary of 14 Clifton Close. The materials from which the fence was constructed did not appear to be new although the trellis topping to the fence appeared recent. There was also evidence that the fence had been re-located approximately 0.3 metres into the curtilage of 14 Clifton Close.

5.3 A series of measurements were taken at various points along the run of the fence and it was ascertained that the maximum height of the fence was 2.1 metres. The erection of a fence in excess of 2.0 metres in height between properties requires the submission of a planning application.

- 5.4 The owner of the property has been contacted but has not submitted a regularising application or reduced the height of the fence.
- 5.5 A plan of the site which is approximately 230 square metres in area is 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 The fence, as erected, marginally exceeds the permitted 2 metre level. However, the amenities of adjoining properties are not significantly affected by its presence as it is approximately 9 metres from the nearest dwelling .
- 9.2 Planning Policy Guidance Note PPG18 on Enforcing Planning Control recommends that, in considering any enforcement action, the decisive issue for the Local Planning Authority should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.
- 9.3 Whilst it is open to the Committee to authorise the issue of an enforcement notice requiring the reduction of the fence to a height of 2 metres, such a notice would be difficult to justify at appeal bearing in mind the marginal nature of the breach of control.

10.0 Background Papers

- 10.1 Enforcement file F/2001/222