
REPORT TO:	Development Control Committee	AGENDA ITEM:	5
DATE OF MEETING:	14th September 2004	CATEGORY:	DELEGATED
REPORT FROM:	Deputy Chief Executive	OPEN	
MEMBERS' CONTACT POINT:	R. M. Shirley	DOC:	
SUBJECT:	Alleged unauthorised columns, supporting brickwork and wooden panels – 88 Egginton Road, Etwall	REF: RMS/E2003/361	
WARD(S) AFFECTED:	Etwall	TERMS OF REFERENCE:	DC01

1.0 Recommendations

- 1.1 That the Development Control Committee takes no action in the matter but advises the owner of the property of its strong concern with respect to the unauthorised development that has occurred.

2.0 Detail

- 2.1 Following a complaint site inspections were carried out at the above location.
- 2.2 88 Egginton Road, Etwall is a semi-detached house of some considerable age.
- 2.3 The property was originally bounded on the road frontage by a capped brick wall approximately 1 metre in height. This was breached to form a vehicular access authorised under planning permission 9/1097/591/F dated 12 December 1997.
- 2.4 Columns or gateposts were indicated on the approved plans accompanying the application but no specific height was indicated.
- 2.5 An initial site inspection revealed that the boundary wall fronting the highway had been raised in height by the addition of a series of wooden panels and two columns in excess of 1metre in height had been erected on either side of the authorised access. A conifer hedge, planted at the rear of the original brick boundary wall was in evidence, being appreciably higher than the panels and columns
- 2.6 The complaint, initially relating to the alleged unauthorised garage, which subsequently proved to be permitted development, was extended to include the wall bounding the adjoining property to the south. This wall had been raised during the erection of the garage, allegedly to reduce the impact of

glare from vehicle headlights on the highway on the garden of 88 Egginton Road.

- 2.7 The complainant stated that both the wall adjoining his property and the columns and wooden panels on the highway frontage were unauthorised by virtue of their height exceeding 1metre within 2 metres of the highway.
- 2.8 The County Highways Authority was contacted in the matter and provided the opinion that the walls and pillars restricted visibility and pedestrian intervisibility for drivers emerging from 88 Egginton Road.
- 2.9 The owner of 88 Egginton Road was duly approached and provided information indicating that the works to the pillars including supporting brickwork to the pillar on the boundary of no.90 may well have been completed before or during the summer of 1999.
- 2.10 A series of letters have been received supporting in broad terms that the presence of the columns and other fencing works at no.88 is relatively long-standing.
- 2.11 A plan of the site is attached at Annexe 'A'.

3.0 Financial Implications

- 3.1 None.

4.0 Community Implications

- 4.1 None

5.0 Conclusions

- 5.1 The erection of the columns and supporting brickwork together with the installation of the wooden panels would have required the submission of a planning application in the normal course of events, in view of the fact that they constitute a means of enclosure in excess of 1 metre in height within 2 metres of the highway boundary. Therefore, the course of action recommended to the Committee turns on whether or not enforcement action is practical or possible in the circumstances.
- 5.2 The evidence supplied suggests that the erection of the initial column was carried out more than four years ago, thus it is immune from enforcement action. In this case, it is that particular column that is responsible for obstructing the view from cars and other vehicles emerging from No. 90, Egginton Road. The other front boundary works as detailed in 5.1 that have been carried out since would, as previously pointed out, require planning permission but removal of these elements that are in themselves open to enforcement action would not improve visibility for vehicles emerging from No. 90.
- 5.3 Additionally, that part of the raised boundary wall adjoining the original supporting brickwork for the southern column consists of a relatively small area which, in itself, could not reasonably justify enforcement action.

6.0 Background papers

- 6.1 Enforcement File E/2003/361.