
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA	9
DATE OF MEETING:	24th July 2001	ITEM:	
REPORT FROM:	Deputy Chief Executive	CATEGORY: DELEGATED	
MEMBERS'		OPEN	
CONTACT POINT:	RAFE SHIRLEY (EXT. 5750)	DOC:	
SUBJECT:	Unauthorised fence on the frontage and part of the flank boundaries of the front garden at 1 Long Row, Shardlow		

REF: E/2000/416

WARD AFFECTED: Aston

1.0 Purpose of Report

1.1 To obtain the instructions of the Development Control Sub-Committee.

2.0 Content

2.1 Following a complaint, site inspections were carried out at the above location.

2.2 A timber close-boarded fence in excess of one metre in height was found to be in evidence on the frontage of the property and marginally in excess of two metres in height for part of its length on the flanks of the garden.

2.3 An application to retain the fence was submitted but refused under delegated powers on 18th April 20001 for the following reason:

“The proposed fence is considered to be unacceptable as it would be detrimental, by reason of its design and materials, to the character and appearance of the designated Shardlow Conservation Area which is characterised in this area by predominantly low enclosures that are typical to Long Row. The proposal is, therefore, contrary to the following development plan policies:

Derby and Derbyshire Joint Structure Plan Environment Policy 9; and
South Derbyshire Local Plan Environment Policy 12.”

2.4 No appeal has yet been submitted, although the applicant has six months from the date of the decision to do so. The fence remains extant.

2.5 A plan of the site, which is approximately 285 square metres in area, is attached at Annexe A.

3.0 Financial Implications

3.1 The Council may be subject to certain costs should legal proceedings prove necessary.

4.0 Conclusions

- 4.1 The property is situated within the Shardlow Conservation Area but is not a Listed Building. Accordingly the owner is entitled to erect fences or other means of enclosure to a height not exceeding two metres between properties and one metre adjoining the highway without submitting a planning application.
- 4.2 Should the Committee be minded to authorise the service of an Enforcement Notice in this matter such a Notice could not reasonably require the owner to remove or reduce the height of the fencing beyond the parameters of the 'permitted development' rights relating to the property.
- 4.3 However, it is open to the Sub-Committee to authorise the service of an Enforcement Notice within the above terms, compliance with which would significantly improve amenity.

5.0 Recommendation

- 5.1 That the Sub-Committee authorise the service of an Enforcement Notice requiring the reduction in height of the fence adjoining the highway to not exceeding one metre and on the flanks of the garden to a height not exceeding two metres.
- 5.2 The Sub-Committee may view a compliance period of 28 days from the date on which the notice takes effect as being appropriate in the circumstances.

6.0 Background Papers

- 6.1 Enforcement file E/2000/416 and planing application file 9/2001/0129/F.