

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	4 October 2011

## ENFORCEMENT ITEM

### UNAUTHORISED ERECTON OF TIMBER FENCING AT 7 GLAMIS DRIVE, CHORLEY, LANCASHIRE, PR7 1LX

#### PURPOSE OF REPORT

- To consider whether it is expedient to serve an enforcement notice in respect of the above matters.

#### RECOMMENDATION(S)

- That it is expedient to issue an Enforcement Notice in respect of the following breaches of planning control:

#### Alleged Breach A

- Without planning permission the erection of timber close boarded fencing.

##### ii Remedy for Breach

- Reduce the height of the fencing between points A and B on the attached plan to 1.1 metres in height above natural ground level.

##### iii (a). Period for Compliance

Two Months.

##### iv (b). Reason.

The erected timber fence by reason of its position, height, materials and appearance is considered incongruous in the context of the surrounding area and causes significant detrimental harm to the character and appearance of the streetscene. The development is therefore contrary to Policy GN5 of the Adopted Chorley Borough Local Plan Review and the Householder Design Guidance Supplementary Planning Document.

#### EXECUTIVE SUMMARY OF REPORT

- The issue for consideration in this case is whether the unauthorised development carried out is well related to its surroundings and respects the design, height, and materials of the surrounding area. Therefore, whether the unauthorised development conforms to the requirements detailed in Policy GN5 of the Chorley Borough Local Plan Review Adopted Edition, and the Householder Design Guidance SPD.

## REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

4. The application site comprises a prominent corner plot at the junction between Belvedere and Glamis Drive and is particularly visible on approach from Southport Road and at the junction of Glamis Drive and Chatsworth Close. As such, the development as erected has a significant visual impact on the character of the area and is visible from multiple public vantage points.
5. Policy GN5 of the Local Plan states that the design of developments will be expected to be well related to their surroundings, and should respect the local distinctiveness of the area. The Householder Design Guidance Supplementary Planning Document (SPD) provides further guidance on the principle of erecting boundary treatments at residential properties. It states that boundary treatments, whether traditional or modern, contribute a great deal to the character of an area and poorly designed boundary treatments can undermine the quality of the built environment.
6. Where new boundary treatments are proposed, care must be taken to ensure that the proposed materials and detailing take lead from the surroundings. Care should be taken to ensure that proposed walls and fences do not harm the streetscene or cause detriment to the amenities of neighbours.
7. It has been noted that the surrounding area comprising Glamis and Belvedere Drive is characterised by low level dwarf brick walls, either left open or with planting above. As a result the surrounding area has a very distinct open and green character.
8. The fence appears highly visible in the street which is exacerbated because the site forms a corner plot. At the highest point the fence is approximately 2m which does provide added security and privacy for the occupiers of No. 7 Glamis Drive. However, also means the fence appears alien and incongruous in the streetscene when viewed in the context of the very green and distinctive surrounding boundary treatments. It is considered the height, design and appearance of the fencing is not sympathetic to the surrounding boundary treatments and to the character of the surrounding area. Furthermore, the choice of materials escalates the visual impact of the fence which is exacerbated because the development is situated on a prominent corner plot.
9. The unauthorised fencing through a combination of its position, height, materials and appearance is considered incongruous in the context of the surrounding area and also as a result of its prominent location causes significant detrimental harm to the character and appearance of the streetscene. The development is therefore considered to be contrary to Policy GN5 of the Adopted Chorley Borough Local Plan Review and the Householder Design Guidance SPD.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. None

## CORPORATE PRIORITIES

11. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	X
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local	

	Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money		

## BACKGROUND

12. The site comprises a single storey residential property in use as a dwellinghouse at no. 7 Glamis Drive, Chorley. Works were undertaken in June 2011 to erect a length of timber fencing with supporting concrete posts along the front of the property facing Glamis Drive and along the side boundary facing Belvedere Drive. The section of fencing along the front of the property measures 2 metres at its western end reducing to 1.1 metres in height as it runs eastwards along the front of the property. The section of timber fencing along the side of the property fronting Belvedere Drive measures 2 metres in height.
13. The timber fencing erected is fixed to the ground of significant length and height and as such it is considered that the fencing erected would constitute a building operation. Therefore, it is considered that development as defined within Section 55 of the Town and Country Planning Act 1990 (As Amended) has taken place for which planning permission is required.
14. The site benefits from permitted development rights set out in the Town and Country Planning (General Permitted Development) Order 1995 (As Amended). Class A of Part 2 of the GPDO 1995 states that the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or means of enclosure would not be permitted if:
  - (a) The height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;
  - (b) The height of any gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level;
  - (c) The height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater.
15. As the fencing is sited adjacent to the highway along Belvedere Drive and exceeds its previous height and is in excess of 1 metre in height, the fencing erected is not permitted development and planning permission is required for it.
16. A planning application was received by the Council on the 25th July 2011 seeking planning permission to retain the fencing erected at the site. Retrospective planning permission (reference no. 11/00690/FUL) for the timber fencing was refused on the 9 September 2011 for the reason outlined below:
 

The erected fence by reason of its position, height, materials and appearance is considered incongruous in the context of the surrounding area and causes significant detrimental harm to the character and appearance of the streetscene. The development is therefore contrary to Policy GN5 of the Adopted Chorley Borough Local Plan Review and the Householder Design Guidance Supplementary Planning Document.
17. The development undertaken does not benefit from planning permission and has occurred within the last 4 years and is not immune from enforcement action. Therefore the works undertaken remain unauthorised and in breach of planning control.

## IMPLICATIONS OF REPORT

18. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	√	No significant implications in this area	

**COMMENTS OF THE HEAD OF GOVERNANCE**

19. Given the absence of planning permission and the fact that the fence constituted development, the recommendation is appropriate.

Lesley-Ann Fenton  
 Director of Partnerships, Planning & Policy

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
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