

Report of	Meeting	Date
Director of Partnerships, Planning & Policy	Development Control Committee	13 May 2014

ENFORCEMENT ITEM

Unauthorised development Newlands Quaker Brook Lane Hoghton Preston erection of a wall that exceeds one metre in height adjacent to a highway used by vehicular traffic

PURPOSE OF REPORT

1. To consider whether it is expedient to take enforcement action to secure the removal of the unauthorised wall.

RECOMMENDATION(S)

2. That it is expedient to take enforcement action to secure the removal of the unauthorised wall.

Alleged Breach

- i. Without planning permission the erection of a block work wall to the front of the property.

ii. Remedy for Breach

- (a) Demolish the block work wall to the front of the property.
- (b) Remove all resultant material from the demolition of the wall from the land.

OR

- (c) Reduce the height of the wall to one metre in height for a distance of 2.4 metres from where the wall meets with the highway running back into the site thereby benefitting as permitted development granted by virtue of Schedule 2, Part 2, Class A, The Town & Country Planning (General Permitted Development) Order 1995 (as amended).

iii. Period of Compliance

Three Months

iv. Reason

- (a) The height of the block work wall is visually obtrusive and detrimental to both the appearance and the amenity of the area which reflect a more open and

sylvan character. The unauthorised development is contrary to Policies GN5 Chorley Borough Local Plan Review (CBLPR) Adopted Edition dated August 2003 and the Householder Design Guidance Supplementary Planning Document.

- (b) The block work wall is detrimental to Highway safety and is therefore contrary to the Chorley Local Plan 2012-2026 Policy BNE1 Para (D) as the block work wall severely restricts visibility to the left when exiting the driveways of Newlands and the adjacent property, Gatesgarth.

EXECUTIVE SUMMARY OF REPORT

- 3. A block work wall has been erected to the front of property Newlands, Quaker Brook Lane, Hoghton, PR5 0JA that exceeds 1 metre in height and is adjacent to a highway used by vehicular traffic. The wall does not benefit as permitted development and requires planning permission. No retrospective planning application has been submitted and it is considered expedient to take enforcement action.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- 4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

- 5 The Council received a complaint regarding the erection of a block work wall to the frontage of Newlands, Quaker Brook Lane, Hoghton. A site visit was carried out where it was seen that a block work wall had been erected to the front of the property running in a southerly direction from the front of the property. It runs for a distance of approximately 7 metres and is 1.8 metres in height. Where the walling meets with the highway it remains in excess of 1 metre and therefore requires planning permission, the reason as stated in para 3.
- 6. Lancashire County Council Highways Officer carried out a site visit to assess the impact of the block work wall erected and have advised that the wall appears to have been built partially on the highway verge. Visibility to the left when exiting the driveways of Newlands and the adjacent Gatesgarth is severely restricted by the wall. This is detrimental to highway safety and needs to be remedied by removing part of the wall that encroaches the highway and ensuring that the height is reduced to not more than 1m for a length of 2.4m from the highway boundary.
- 7. The property is within the defined settlement area of Houghton as defined on the Policies map.
- 8. 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. In this instance the use of block work is considered to be discordant material and is visually extremely prominent in the street scene. The properties in this residential area have boundary treatments that are either open or green in character.

- It is accepted that the reduction in the height of the block work wall would not alleviate the visual harm as identified at Para 8, however by reducing the height it then becomes permitted development as identified at Para 2 (ii) (c) and no further action can be taken by the Councils to its appearance.

IMPLICATIONS OF REPORT

- This report has implications in the following areas and the relevant Directors’ comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	x	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

- No comments.

COMMENTS OF THE MONITORING OFFICER

- The structure is unlawful because it would require planning permission which has not been obtained. The structure is contrary to the planning policies identified and so enforcement requiring its removal is a reasonable step. The Local Planning Authority must have regard to its Local Enforcement Plan. The Highways Authority has indicated that the structure appears to have been built partially on the highway and therefore this is unlawful and is detrimental to the Highway safety. The recipient of the notice has a right of appeal to the Planning Inspectorate.

Lesley Ann Fenton
 Director of Partnerships Planning & Policy

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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