

COMMITTEE: DEVELOPMENT CONTROL

DATE: 16TH MARCH 2005

SUBJECT: 32 BRAMBLE ROAD: ERECTION OF FENCE MORE THAN 2.00M HIGH IN REAR GARDEN (FILE NO. 04/00055/UBO)

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: ROD PORTER 546317

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: LEAGRAVE

PURPOSE

1. To advise Members of a breach of planning control and to seek their decision.

RECOMMENDATION(S)

2. Development Control Committee is recommended to take no further action.

BACKGROUND

The Site

3. No. 32 Bramble Road is a 2-storey detached house built in the 1930's. The original side garage has been replaced by a larger garage located at the junction of the rear boundary with the side boundary to No. 30 Bramble Road. The dwelling to the rear of this property is 33 Mayne Avenue, set at an angle of about 45° with a 2-storey side extension, permitted under reference 04/00114/FUL. The extension brings this property closer to the complaint site, and it is on higher ground.

The Complaint

4. A complaint was received in February that a wall with a fence on top, to a height exceeding 2 metres above ground level, had recently been erected on the common boundary between 32 Bramble Road and 33 Mayne Avenue.

Planning History

5. The 2-storey side extension to 33 Mayne Avenue was permitted 03/03/04.

REPORT

6. The means of enclosure, the subject of this complaint, is along the side boundary of 33 Mayne Avenue, where it coincides with the rear boundary of 32 Bramble Road. It is constructed of grey block work with a concrete coping tile, upon which a timber panel fence has been erected. This part of the wall is in 3 sections, stepping down the slope about 0.225m each time. The fence sits on top of the coping and is held in place by timber posts on the Bramble Road side of the wall. The overall height of the enclosure varies because of the slope of the land and the stepping of the wall, but is within the range of 2.7m – 3.0m on both sides.

7. The occupier of 32 Bramble Road has stated that the extension to 33 Mayne Avenue has led to problems of overlooking. People standing in the new kitchen/utility of the latter property could see the whole of the rear garden of No. 32 and into the rear windows of the house. Accordingly, the wall and fence were erected.

The Issues

8. Firstly, the wall/fence is over 2.00m high and therefore requires planning permission. The issues are the effect of the fence on the residential amenities of 33 Mayne Avenue, the potential effect on the street scene and the extent of overlooking and loss of privacy at 32 Bramble Road.

9. 33 Mayne Avenue – the new extension has windows into the garage and new kitchen/utility on the ground floor with dormer windows to an en-suite and bathroom on the first floor. The centre of the kitchen/utility window is scaled at about 5.00m from the wall/fence. Further, the garden slopes down from the back of the house at least 0.750m and perhaps more. These factors, together with the orientation of the dwelling in relation to the movement of the sun, suggest that there would be little loss of sunlight until late evening time. Against these mitigating factors are the rather claustrophobic effect of the wall and fence and the overshadowing effect on the rear garden in the afternoon and evening.

10. 32 Bramble Road – although their construction meets the Council's standards in respect of the distances between buildings, the extension to the other property has had a significant effect on this house and the rear garden. Because of the difference in levels and the position of this window, the occupants were open to view from the new kitchen and utility room. In the past, the garage in the garden of No. 32, formed a barrier between the ground floor windows of the Mayne Avenue house into the rear garden of 32 Bramble Road. In addition, the extension appears large in the view from the rear of No. 32 and, because of the difference in levels, blocks off a significant portion of sky.

11. It should be noted that the construction of the breeze block wall and fence do not, together, have an effect on the general street scene as they are not readily visible from public viewpoints.

12. To summarize, there are arguments for and against the retention of the wall and fence. However, it is considered that the most important factor in the equation is the loss of privacy by the occupants of 32 Bramble Road. Given the above considerations and that the complainants' letter only related to the height of the means of enclosure, the recommendation is that no further action be taken.

LIST OF BACKGROUND PAPERS
LOCAL GOVERNMENT ACT 1972, SECTION 100D

13. Enforcement file ENF/05/00055/UBO

14. Planning file 04/00114/FUL