

Planning Committee: 02 November 2005

Item Number: 01

Enforcement No: 142/14/05

Application No: W05/ 0941

Registration Date: 10/06/05

Expiry Date: 5/08/05

Town/Parish Council: Kenilworth

Case Officer: Sandip Sahota

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40 Caesar Road, Kenilworth, CV8 1DL

Erection of 1.8m high fence fronting Fishpond's Road and the corner of Caesar Road (retrospective application) FOR Mr. Matthew Beaven.

This item is being presented to Committee in order to request that enforcement action be taken.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Raised objection to the original application on the following grounds: *"Members objected to this application on the grounds that it is detrimental to the street scene. The height, vertical panels and the pale colour of the fence did not harmonise with the surroundings"*.

Neighbours: Two letters of objection were received on the following grounds: Out of keeping with its surroundings; eye sore; detrimental to highway safety. Two letters of support received on the following grounds: Improvement on previous situation where Fir Trees overhung the footpath; replaces a similar fence; aesthetic improvement to junction; similar to the fence on the opposite side of the road junction; not detrimental to highway safety.

RELEVANT POLICIES

(DW) ENV3 – Development Principles (Warwick District Local Plan 1995)
DP1 – Layout and Design (Warwick District Local Plan 1996 – 2011 Revised Deposit Version).

PLANNING HISTORY

In April 2005 it was brought to the attention of the Enforcement Section that a new 2 metre high close boarded timber fence had been erected adjacent to the highway without planning permission. Following contact by an Enforcement Officer, a retrospective application was submitted in June 2005. The application was subsequently refused under delegated powers in July 2005 for the following reason:

Policy (DW) ENV3 of the Warwick District Local Plan and emerging policy DP1 of the revised deposit version of the Local Plan (1996-2011) require all development proposals to achieve a high standard of design and harmonise with their surroundings. The close boarded timber fencing is considered to be

of an unsatisfactory design and is seriously injurious to the visual amenities of the area by creating an incongruous feature that unacceptably jars with the generally landscaped boundary treatment character of the streetscene. To grant permission would therefore be contrary to the aforementioned policies.

KEY ISSUES

The Site and its Location

The site relates to a detached dormer bungalow situated on a prominent corner position at the junction between Fishponds Road and Caesar Road. The property is orientated such that the rear garden lies predominantly to the side of the house. The area is characterized predominantly by low walls and vegetated boundary treatment giving it a relatively open and landscaped character.

Details of the Development

Erection of 1.8m high fence fronting Fishponds Road and the corner of Caesar Road

Assessment

The fence is situated on a prominent corner position and extends to a length of approximately 25 metres and is 1.8 metres in height. Accordingly the fence is seen as a significant feature in the streetscene.

In my opinion, the fence, by reason of its height and design appears as an incongruous feature that unacceptably jars with the generally landscaped boundary treatment character of the streetscene and is seriously injurious to the visual amenities of the area.

The fence referred to on the opposite side of the road does not benefit from planning permission either. However, it has been in place for more than 4 years which makes it exempt from enforcement action. Notwithstanding this, the fence is not, in my opinion, directly comparable to the fence the subject of this enforcement case. The fence is shorter in length, comprises a brick retaining wall with timber panels above which helps to break up the visual impact. Moreover, the visual impact is further softened by the presence of mature landscape screening covering part of the fence.

RECOMMENDATION

That authorisation be given for enforcement action requiring the removal of the fence. Compliance period 3 months.
