

**Planning Committee:** 11 January 2006

**Item Number:** 05

**Application No:** W 05 / 1667

**Registration Date:** 02/11/05

**Town/Parish Council:** Warwick

**Expiry Date:** 28/12/05

**Case Officer:** Debbie Prince

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**41 Leam Road, Warwick, CV31 3PA**

Erection of wooden garden fence FOR M S Zonouzi

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This application is being presented to Committee due to an objection from the Town Council having been received.

**SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** Object: *"The Town Council consider that the fence is detrimental to the visual amenities of the area and constitutes an incongruous feature out of character with the street scene and boundary treatment in respect of other properties and its design is contrary to the requirements of WDLP policy."*

**Neighbours:** One neighbour, who faces the side fencing, has written in supporting the application in principle but commenting that it should be stained dark green so that it would be in keeping with the conifers and the area. Another neighbour adjoining the site objects to the fencing stating that the fence and conifers create a road hazard obscuring the bend and does not retain the open plan nature of the road.

**British Waterways:** No objection.

**RELEVANT POLICIES**

- (DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011 Revised Deposit Version).

**PLANNING HISTORY**

There is no relevant planning history regarding this property.

**KEY ISSUES**

**The Site and its Location**

The application property is set within a small estate of approximately 41 dwellings between the Myton Road and the Warwick/Leamington railway line. The property is situated in the centre of the estate, on a corner plot, with its northern front and eastern side boundaries facing Leam Road. Diagonally opposite the property is a footbridge which crosses the railway line from the riverside walk.

**Details of the Development**

The fencing has already been erected, although has yet to be stained. There is a 1.9m high fence, with a scalloped top, adjacent to the side (eastern) boundary, which runs the length of approximately 21m along the rear garden of the property and large

boundary conifer trees. Another fence, with the same detailing, and a maximum height of 1.4m runs along the front (northern) boundary to the property.

## **Assessment**

The fencing to the side has been erected to add further security and screening for the applicants rear garden, whilst the fence to the front garden has been erected primarily to stop people (including many school children) who cut across the front lawn when walking from the Myton Road to the pedestrian footbridge and vice versa.

The highest element of fencing is positioned opposite No's 30 and 31, one of which has written supporting the application, further enclosing the applicant's rear garden, which is already enclosed by conifer trees. It is considered that, if this fencing is stained green, which is proposed by the applicant, then it would not appear out of character or obtrusive in the street scene.

Whilst it is accepted that the enclosing of the front garden by a fence is not a standard feature of this road, it is not something which can be severely restricted as "Permitted Development Rights" have not been removed. As such, fencing up to 1m in height can be erected without the need for permission. It is therefore considered that the fence posts which are above 1m in height and the two ends of the fence adjacent to the driveway, which measure 1.3m in height (post being 1.4m) do not significantly harm the character of the area such as to warrant refusal. (These are the sections that could not be constructed under permitted development - i.e. the 'fall back' position).

## **RECOMMENDATION**

GRANT, subject to the condition listed below.

## **CONDITIONS**

- 1 The fencing hereby permitted shall be stained dark green in colour within 3 months of the date of this permission. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.

## **INFORMATIVES**

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development does not adversely impact on the character and appearance of the area. The proposal is therefore considered to comply with the policies listed.

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