

# CARLISLE CITY COUNCIL

**Report to:-** **Development Control Committee**

**Date of Meeting:-** 9<sup>th</sup> March 2012

**Agenda Item No:-**

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**Public**

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**Title:-** **ERECTION OF BOUNDARY FENCE AT 1 BURNRIGG,  
MORTON PARK, CARLISLE**

**Report of:-** **Director of Economic Development**

**Report reference:-** **ED 12/12**

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## **Summary:-**

This report relates to the unauthorised erection of a boundary fence fronting the highway at 1 Burnrigg, Morton Park, Carlisle

## **Recommendation:-**

It is recommended that it is not expedient or in the public interest to pursue this matter any further and that Members do not authorise enforcement action.

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**Ext:** 7175

**J Meek**

Director of Economic Development

28<sup>th</sup> February 2012

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None**

## **1. BACKGROUND INFORMATION**

- 1.1** This matter relates to the erection of 1.5 metre high timber boundary fence to the front and side of 1 Burnrigg, Morton Park, Carlisle.
- 1.2** This property stands in a prominent location at the junction of Newlaithes Avenue and Burnrigg, Morton Park, Carlisle. On the Newlaithes Avenue side there is a 1.5 metre wide grass verge and a 1.2 metre wide pavement between the road and the fence. On the Burnrigg side there is a 0.9 metre wide grass verge and a 1.2 metre wide pavement between the road and the fence. The 1.5 m fence has been erected along both frontages and along the boundary adjacent to 3 Burnrigg. The section of fence adjacent to 3 Burnrigg does not require planning permission.
- 1.3** Following receipt of a complaint by Councillor Mrs Farmer concerning not only the unauthorised erection of a fence but also the siting of a touring caravan, horse box and a trailer containing scrap material within the curtilage; the City Council's Enforcement Officer contacted the occupiers of the property. The then occupiers, who had recently bought the property, believed that planning permission was not required for the fence. They also explained that they had erected the fence to provide a sense of enclosure and enhance their security.
- 1.4** As a way forward, the owners confirmed that they would plant a quick growing leylandii hedge inside the fence; once the hedge had grown to a similar height as the fence, the fence would then be reduced to a height of one metre and would therefore not require planning permission.

## **2. CURRENT POSITION**

- 2.1** The leylandii hedge inside the fence has now become established and stands level if not above the height of the boundary fence. However, despite repeated requests to reduce the height of the fence, this has not been carried out.
- 2.2** The owners have vacated the property in 2011 and moved to the south of the country to be closer to their family and 1 Burnrigg has since been let.
- 2.3** There have been no recent complaints from neighbouring residents regarding the height of the fence and since the family have moved out, the other matters which were causing concern to neighbours are no longer an issue.
- 2.4** Due to the passage of time, the Council needs to make a decision as to whether it is expedient and in the public interest to take enforcement action to have the fence reduced.
- 2.5** If the fence is reduced, there will still be a leylandii hedge surrounding the property. The fence in itself does not create a highway safety issue for vehicles exiting Burnrigg into Newlaithes Avenue or for vehicles turning left into Burnrigg from Newlaithes Avenue. In the context of the leylandii hedge, it is considered that the fence is not sufficiently detrimental in visual/streetscape terms to refuse permission.

- 2.6** In addition it is evident that there are other similar fences within the immediate vicinity of 1 Burnrigg that, although not at a road junction, have been erected to a similar height with the time period for taking enforcement action having expired.

### **3. CONCLUSION**

- 3.1** The fence measures 1.5m in height and due its position adjacent to the highway requires planning permission (being in excess of 1 metre). However, the fence does not affect highway safety and is not considered sufficiently detrimental to the character of the area to merit the refusal of permission. There are other fences of a similar height and design within the immediate locality.

### **4. RECOMMENDATION**

- 4.1** It is recommended that it is not expedient or in the public interest to pursue this matter any further and that Members do not authorise enforcement action.

### **5. IMPLICATIONS**

- Staffing/Resources – Officers have been working with the occupiers and their representatives to try and resolve this situation
- Financial – Not applicable
- Legal – Legal advice has been sought in respect of this matter
- Corporate – The work outlined in this report will help to deliver the Corporate Plan objective that relates to achieving improvements in the quality of the local environment
- Risk Management – Not applicable
- Equality and Disability – The personal circumstances of the owners of the property have been considered and taken into account
- Environmental – Not applicable
- Crime and Disorder – Not applicable
- Impact on Customers – Local residents have expressed concern that the fence is too high and does not have the benefit of planning permission

## Impact assessments

Does the change have an impact on the following:

Equality Impact Screening	Impact Yes/No?	Is the impact positive or negative?
Does the policy/service impact on the following?		
Age	No	
Disability	No	
Race	No	
Gender/ Transgender	No	
Sexual Orientation	No	
Religion or belief	No	
Human Rights	No	
Health inequalities	No	
Rurality	No	

**If you consider there is either no impact or no negative impact, please give reasons:**

The impact created by the boundary fence has the potential to affect the immediate environment and residents in the vicinity and is not directed at a single group/area

**If an equality Impact is necessary, please contact the P&P team.**