

PLANNING APPLICATION NUMBER:P06/0243

Type of approval sought	Full Planning Permission
Ward	Lye & Wollescote
Applicant	Mr John Ogle
Location:	REAR OF PROPERTY, 45, YARDLEY STREET, STOURBRIDGE, WEST MIDLANDS
Proposal	REAR FENCING AND GATES (RETROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is a piece of land located behind the rear garden of 45 Yardley Street.
2. The land abuts the highway at the end of a cul de sac.

PROPOSAL

3. Permission is sought for the erection of rear fencing and gates. The fencing and gates already exist and the application is therefore retrospective. The boundary fences and gates present are approximately 1.8m in height and of wooden construction with associated concrete posts.

HISTORY

4. There has been one previous planning application relating to this site which can be seen in the table below.

APPLICATION No.	PROPOSAL	DECISION	DATE
85/50192	Erection of twelve 2 bedroomed houses with access road and car parking.	Approved with Conditions	14/03/85

5. A condition (No.7) of the above application stated that;
- The car parking spaces and rear access path serving units 5 to 11 (inclusive) shown on the amended plan marked 'A' shall be graded, levelled, surfaced and drained to the satisfaction of the local planning authority concurrently with the commencement of the development hereby approved or by such later time as may be agreed in writing by the local planning authority. Such areas shall thereafter be permanently retained for these purposes only and shall be maintained to the satisfaction of the local planning authority throughout the life of the development.
6. Having checked the ownership of this land it has been ascertained that the land does not belong to the council or was not handed over to the council to be maintained by the highways department. The area of land which has been fenced by the applicant is taking up two of the car parking spaces mentioned above. As the land appears to have been sold to the applicant and the original planning condition does not state that the spaces should remain as communal parking spaces, the only aspect we can control is that the parking spaces are retained for the life of the development as requested in the original planning approval (85/50192). We cannot prohibit them being enclosed as long as there is the provision of adequate access and visibility onto the highway.

PUBLIC CONSULTATION

7. Nine letters of neighbour notification were sent out. Two letters of objection were received from adjacent neighbours.
8. A neighbour at No.51 Yardley Street had the following objections to the proposal;
- Since the new fence and gates were erected it has meant the loss of three parking spaces and caused inconvenience in the car park.

9. A neighbour at No.50 Grayling Road had the following objections to the proposal;
- Since the fence has been erected, the land has not been measured accurately which could mean encroachment onto council land.
 - The applicant may well have encroached upon and lowered the ground level of land belonging to ourselves.
 - The fence and gates appear to go straight over and across what appears to be a public tarmaced car parking space. This has caused the loss of a visitor's space for the surrounding residents and has made it inconvenient to manoeuvre large vehicles.
 - Trees and shrubs on the applicant's land and land outside their control have been felled by the applicant. This has caused a lack of privacy in our garden and the resulting felled vegetation has not been removed. The applicant specified that they had been given permission by the council when questioned.

OTHER CONSULTATION

10. **The Head of Traffic & Road Safety:** was consulted and requested that if the original planning conditions had not been breached by enclosing the parking spaces the following conditions should be attached to this permission;
- The garage doors shall not open out onto the highway
 - The applicant should provide a plan showing the details of the means of access, visibility splay and parking areas and these areas should be maintained thereafter for no other purpose for the life of the development.

RELEVANT PLANNING POLICY

Unitary Development Plan

11. Policies DD4 (Development in Residential Areas) & DD6 (Access and Transport Infrastructure) .

ASSESSMENT

12. The determining issues are whether the proposal is in keeping with the character of the area.
13. The fence and gates which have been developed around the applicant's land are similar in style to other boundary fencing in the vicinity and will not appear as an incongruous feature within the street scene. The development will not have a detrimental impact upon the character of the area which adheres with policy DD4 of the adopted UDP.
14. As the proposed gates are enclosing two car parking spaces specified in a previous planning application to be retained for the life of the development it is necessary for the access for these spaces to be developed in accordance with guidance provided by Traffic & Road Safety. The gates currently open out on to the highway and are not wide enough to serve both parking spaces. Pedestrian visibility splays are also

inadequate. The current proposal does not provide adequate and safe provision for access and egress by vehicles, pedestrians and other road users which does not adhere with policies DD4 and DD6 of the adopted UDP. As a result the permission will be conditioned that details of the means of access, visibility splay and parking areas shall be submitted to and approved in writing.

CONCLUSION

15. The proposed development will have no adverse affect upon the character of the area

RECOMMENDATION

16. It is recommended that permission is granted subject to the following conditions.

Reason for Approval

The proposed development will have no adverse affect upon the character of the area due to the design matching other developments in the vicinity which adheres with policy DD4 of the adopted Unitary Development Plan. The Head of Traffic & Road Safety recommends that a condition requesting further details be included in order for the proposed scheme to adhere with polcies DD4 and DD6 of the adopted Unitary Development Plan.due to the design matching other developments in the vicinity which adheres with policy DD4 of the adopted UDP. The Head of Traffic & Road Safety recommends that a condition requesting further details be included in order for the proposed scheme to adhere with policies DD4 and DD6 of the adopted UDP.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Within one month of the date of this decision, the existing outward opening gates shall be altered to open within the confines of the site. At no point for the lifetime of the development shall outward opening gates be installed.
3. Within one month of the date of this decision, a plan showing the details of the visibility splays from the site entrance and parking areas within the site shall be submitted in writing to the local Planning Authority. Those details shall then be implemented as agreed in writing by the local Planning Authority within one month of that written agreement, and maintained thereafter and used for no other purpose for the life of the development.