



Walsall Council

Item No.

Development Control Committee
28 October 2008

REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

18 Frampton Way Great Barr

1. PURPOSE OF REPORT

To advise members of a breach of planning control at the above property.

2. RECOMMENDATIONS

That no further enforcement action is taken,

3. FINANCIAL IMPLICATIONS

None arising directly from this report.

4. POLICY IMPLICATIONS

UDP policy seeks to protect the environment from adverse visual impact.

5. LEGAL IMPLICATIONS

None arising from this report.

6. EQUAL OPPORTUNITY IMPLICATIONS

None arising directly from this report.

7. ENVIRONMENTAL IMPACT

The impact of the development is explained in the attached report..

8. WARD(S) AFFECTED

Pheasey Park Farm

9. CONSULTEEES

None

10. CONTACT OFFICER

Tonia Upton
01922 652411

11. **BACKGROUND PAPERS**
Enforcement File – Not published
Planning Application file – 07/1644/FL.H4

Head of Planning and Building Control

Development Control Committee

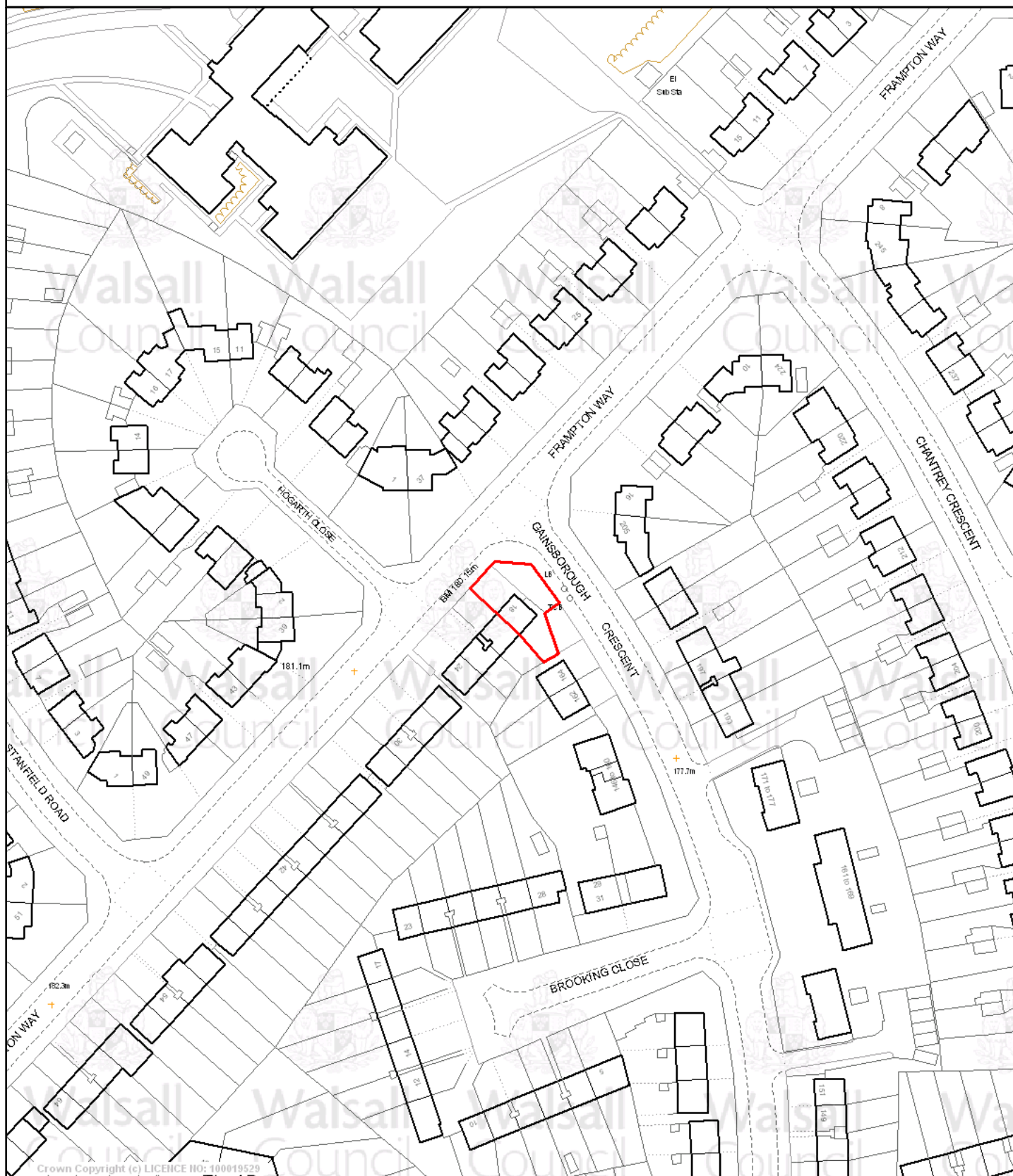
28 October 2008

18 Frampton Way

12 BACKGROUND AND REPORT DETAIL

- 12.1 In response to the receipt of complaints about a boundary fence and shed at the above site, the planning enforcement team inspected the development. 18 Frampton way is an end terraced house which lies on the corner of Frampton Way and Gainsborough Crescent and the fence, comprising of wooden panels and concrete posts, was erected on the front and side boundary at back of the pavement. The fence, at the front, was 1.2 metres rising to 2 metres along Gainsborough Crescent. A shed is located in the side garden.
- 12.2 In response to the investigation a retrospective planning application was submitted for the fence and shed. That planning application was refused in September 2007. The application was refused on the basis of the appearance of the fence and also an objection from highways regarding highway safety. There were no planning objections to the shed.
- 12.3 Following refusal, negotiations with the owner commenced and the front section of the fence facing Frampton Way was reduced in height to 1 metre. This reduction in height overcame the highways objection. Discussions have also taken place regarding the submission of a new planning application for a garage which may lead to removal of the shed, however, this has not been submitted and there is no formal mechanism to ensure that it is. Since refusal of the planning application a further smaller shed has been erected in the side garden.
- 12.4 Complaints continue to be received about the remaining 2 metre high fence and the sheds which face Gainsborough Crescent, The complainant considers the fence and sheds to be an eyesore and a safety hazard as they obscure the road. Further concerns have been raised about problems which may occur if other neighbours erect similar fences at the back of the pavement. Complaints have also been received about dog breeding at this property and noise nuisance from dogs in the sheds however this has not been substantiated by Officers on site.
- 12.5 Officers consider that, despite the complaints the fence and shed are not detrimental to the visual amenity of the area as they are of a satisfactory appearance and are not visually prominent in the street scene. Therefore on balance it is considered that it would not be expedient to take formal enforcement action. Taking no action is a legitimate course of action, envisaged in the legislation in relevant cases. The fence and shed remain unlawful, for the immediate future.

18 Frampton Way



Walsall Council

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