

**E/09/0139/A – Alleged failure to comply with a planning condition requiring an increase in height of fence panels at 30 Maze Green Road, Bishop’s Stortford, CM23 2PJ**

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**Parish: BISHOP’S STORTFORD**

**Ward: BISHOP’S STORTFORD SILVERLEYS**

**RECOMMENDATION**

That the Director of Neighbourhood Services be authorised to take no further enforcement action regarding this matter.

Reason why it is expedient to take no further action:

The addition of a trellis structure complies with the requirements of the planning condition to increase the height of the existing fence panels and does not compromise the reason for that condition, which relates to the privacy of occupiers of the adjoining property.

\_\_\_\_\_ (013909A.CA)

**1.0 Background**

- 1.1 The site is shown on the attached Ordnance Survey extract. It is located on the north side of Maze Green Road, Bishop’s Stortford about 50 metres east of the junction with College Close. Photographs of the site will be available at the meeting.
- 1.2 Planning permission was granted for a 2 storey extension to the front of the above property, the insertion of a skylight and flank window and door to the existing rear extension. That planning permission contained a condition requiring that the proposed flank rear kitchen window be fitted with obscured glass in the interest of the privacy of neighbouring occupiers.
- 1.3 In October 2008 a concern was expressed to the Authority that the window in question had been fitted with clear glass. This information was confirmed by a visit from the enforcement officer.
- 1.4 Following communications with the owners of the property and their agent, a further planning application was submitted to the Authority, under application number 3/08/2049/FO, to remove the condition. This application was granted with condition on 2<sup>nd</sup> March 2009.
- 1.5 The condition attached to this approval required that “Within one month of the date of this decision the height of the two existing fence panels adjacent to the kitchen window in the eastern flank elevation of the rear projection

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shall be increased to at least 1.9 metres but no greater than 2.0 metres, and shall thereafter be retained at such a height. Reason:- To safeguard the privacy of occupiers of the adjoining property, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.”

- 1.6 A further concern was expressed to the Authority on 30<sup>th</sup> March 2009 that the fence panels in question had been increased in height, as required, but by the addition of a trellis element that could be seen through.
- 1.7 The enforcement officer visited the site and took photographs (which will be available at the meeting) from inside the kitchen window in question towards the neighbouring property. The photographs were taken at eye level whilst standing as close to the window as the kitchen units allowed.
- 1.8 On this visit the enforcement officer was informed by the owner that she had limited sight and was officially registered as blind. She further stated that her need for as much light as possible in the kitchen area had driven her efforts to ensure that the glass units were not obscured and the fence height kept to the minimum height possible.
- 1.9 It is the view of officers that the erection of the trellis does comply with the physical requirement of the above planning condition. Furthermore, the view from the window in question does not seem to officers to adversely impact on the privacy of the neighbouring property. Accordingly the trellis does not appear to be contrary to the reason for the original imposition of the condition.

## **2.0 Planning History**

2.1 The recent planning history is as follows:-

- |              |   |
|--------------|---|
| 3/98/0946/FP | First floor extension to form new bedroom and bathroom. – Refused   |
| 3/07/1126/FP | Two storey extension to front addition of a skylight to existing rear extension – Granted   |
| 3/08/2049/FO | Removal of condition 3 (fitting of obscured glass to flank window and east elevation door and window) to planning approval ref 3/07/1126/FP – Granted |

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### **4.0 Considerations**

- 4.1 In this matter, the main issue to be considered is whether the addition of a trellis top to fence panels complies with the requirement contained in the planning condition to increase the height of the existing fence panels.
- 4.2 It is also necessary to consider whether the modified fence complies with the reason for imposing the planning condition on permission granted under application number 3/08/2049/FO. The reason for that condition was “To safeguard the privacy of occupiers of the adjoining property, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.”
- 4.3 Officers consider that the amended fence does not compromise the privacy of the occupiers of the adjoining property and, accordingly, accords with the requirements of policy ENV1 of the East Herts Local Plan Second Review April 2007.

### **5.0 Recommendation**

- 5.1 It is therefore recommended that authorisation is given for officers to take no further enforcement action regarding this matter.