

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by Acting Director of Housing, Regeneration and Environmental Services ( Housing and Regeneration Services)**

**Planning Committee: 6 June 2007**

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**DC06/368/HOU: Erection of 1.8m high fencing (retrospective) to dwellinghouse at 19 Argyll Avenue, Dumbarton by George & Rosemary Cairns.**

#### **1. Development Details**

- 1.1** Permission is sought retrospectively for the erection of a 1.8m high timber screen fence that has been erected around the rear garden and part of the side garden.

#### **2. Consultations**

West Dunbartonshire Council Roads Services object on the grounds that the fence interferes with sightlines at this location and has implications for road safety.

#### **3. Representations**

- 3.1** There is one objection and the grounds of objection are as follows:

- (a) There are unacceptable implications for road safety since the fence is located on a tight bend and interferes with sightlines, causing a danger to motorists.

#### **4. Assessment Against The Development Plan**

- 4.1** The site is identified in the Dumbarton District, District Wide Local Plan as being within an established residential area. Policy H5 aims to protect the amenity of such areas and not detract from them through new development. Overall, the fencing complies with Policy H5 in terms of its size and visual appearance since it has an acceptable impact on the amenity of the area and is similar to other fencing erected around rear gardens in the Dumbarton area.

The fence does not have an adverse impact on the amenity of the area as a result of its size or visual appearance and complies with Policy H5 and does not raise any planning issues.

#### **5. Assessment Against Material Considerations**

Consultations/Representations:

Representations

- 5.1** There is one letter of objection received in relation to this application which has been highlighted in Section 3 of the report. It is considered that the objection is valid since it relates to road safety which is an issue that has been highlighted by the Council's Roads Services. Although the size and appearance of the fence is acceptable, its positioning and height do have implications for the safety of road users.

#### Consultations

- 5.2** The Council's Roads Services have indicated that the fence interferes with forward visibility at a corner location and reduces sightline standards at the driveway to the rear of the property. This objection is considered material since interference with sightlines impacts on the safety of road users and results in the creation of a traffic hazard.
- 5.3** Although it is not unusual for timber fencing to be erected to enclose a rear garden, the problem in this instance arises as a result of a thirty year old housing layout that cannot be adapted for current demands. It is also likely that if there was a pavement at the rear of the property, there would be more flexibility with regard to the erection of a fence around the rear and side gardens without interfering unacceptably with sightlines.

### **6. Conclusion**

- 6.1** It is considered that the fence complies with the development plan in terms of its design, layout and external appearance. However, significant weight is attached to the comments of the Roads Service who have recommended refusal as the fence impacts unacceptably on the safety of motorists in the immediate area. The concerns of the Roads Service are reiterated by the objector who lives in the immediate vicinity.

### **7. Recommendation**

- 7.1** **Refuse** permission for the reason detailed in Section 8 and authorise enforcement action to ensure that the fence is removed or altered so as to be acceptable.

## **8. Reason for Refusal**

1. The erection of the 1.8m high fence around the rear and the side of the property causes a road traffic hazard as its positioning and height interfere with both the sightlines and forward visibility distances on the public highway and at the existing driveway.

**Irving Hodgson**

**Acting Director of Housing, Regeneration and Environmental Services  
(Housing and Regeneration Services)**

**Date: 14/05/07**

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**Appendices:** None

**Background Papers:**

1. Copy of planning application received 03/11/06.
2. Consultation responses.
3. Letters of representation.

**Wards Affected:** Ward 3

