

**EAST RENFREWSHIRE COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**11 MARCH 2015**

**Report by Director of Environment**

**PLANNING ENFORCEMENT – 9 PRIORWOOD ROAD, NEWTON MEARNES**

**1.0 INTRODUCTION**

- 1.1 This report is to request that Members authorise formal planning enforcement action in respect of the unauthorised change of use of an area of open space to private garden ground at the side of the house at 9 Priorwood Road, Newton Mearns, G77 6WR.

**2.0 BACKGROUND**

- 2.1 In March 2014 the Planning Service was made aware that an area of open space to the side of the house at 9 Priorwood Road had been enclosed by a fence. The area had previously been planted with shrubs. The shrubbery would have been planted by the builders of this housing development circa 2001. The members of the public who brought the matter to the attention of the Planning Service indicated that the householders at number 9 Priorwood Road had removed the shrubbery some months prior to erecting the fence.
- 2.2 Site visits were undertaken and the fence found to sit to the side of the house and to enclose the larger part of a triangular shaped area of a maximum depth of 5m and length of 17metres into the area of private garden. (The section of former shrubbery forward of the front elevation of the house had not been enclosed but instead replaced by bark chips). The fence was at that time 1.8m high throughout its length. Planning permission was required for the fence in itself given that it sat between the side elevation of the house and the road. Contact was made with the householders and they were made aware of the breach of planning control. The householders were not encouraged to submit a retrospective planning application for the change of use to private garden ground as the fence sits in a prominent bend in the road and as areas of garden between the building line and road in the immediate area are generally not enclosed. The fence is considered out of character with the general design of the area and is incongruous.
- 2.3 The householders were advised that a material change in the use of the land had taken place and that the fence should be removed. Numerous exchanges then took place with both the householders and their solicitors, initially in an attempt to convince them that planning permission was required. Road safety issues with the fence were put to the householders and they reduced the height of some areas of the fence as a result. It is understood that these road safety concerns have not been fully addressed by the reduction in height of parts of the fence. Despite these changes to the fence it still requires planning permission and remains incongruous and out of character with the area. In addition, the issue of the unauthorised change of use to private garden ground remains. The area concerned is shown on the householders Title Deeds as being within their ownership however the Deeds similarly show their area of ownership extending to the middle of the road. While the householders at 9 Priorwood Road own this area of land, planning permission is still required to change its use.

- 2.4 On the 16 December 2014 the householders submitted a planning application (2014/0725/TP) for the enlargement of private garden at side with erection of fencing.
- 2.5 The application was determined under delegated powers and planning permission was refused on 13 January 2015 as the erection of the fence and enclosure of the previously open area of ground detracts from the character and amenity of the area by removing a soft landscaped edge from a visually prominent part of the development.

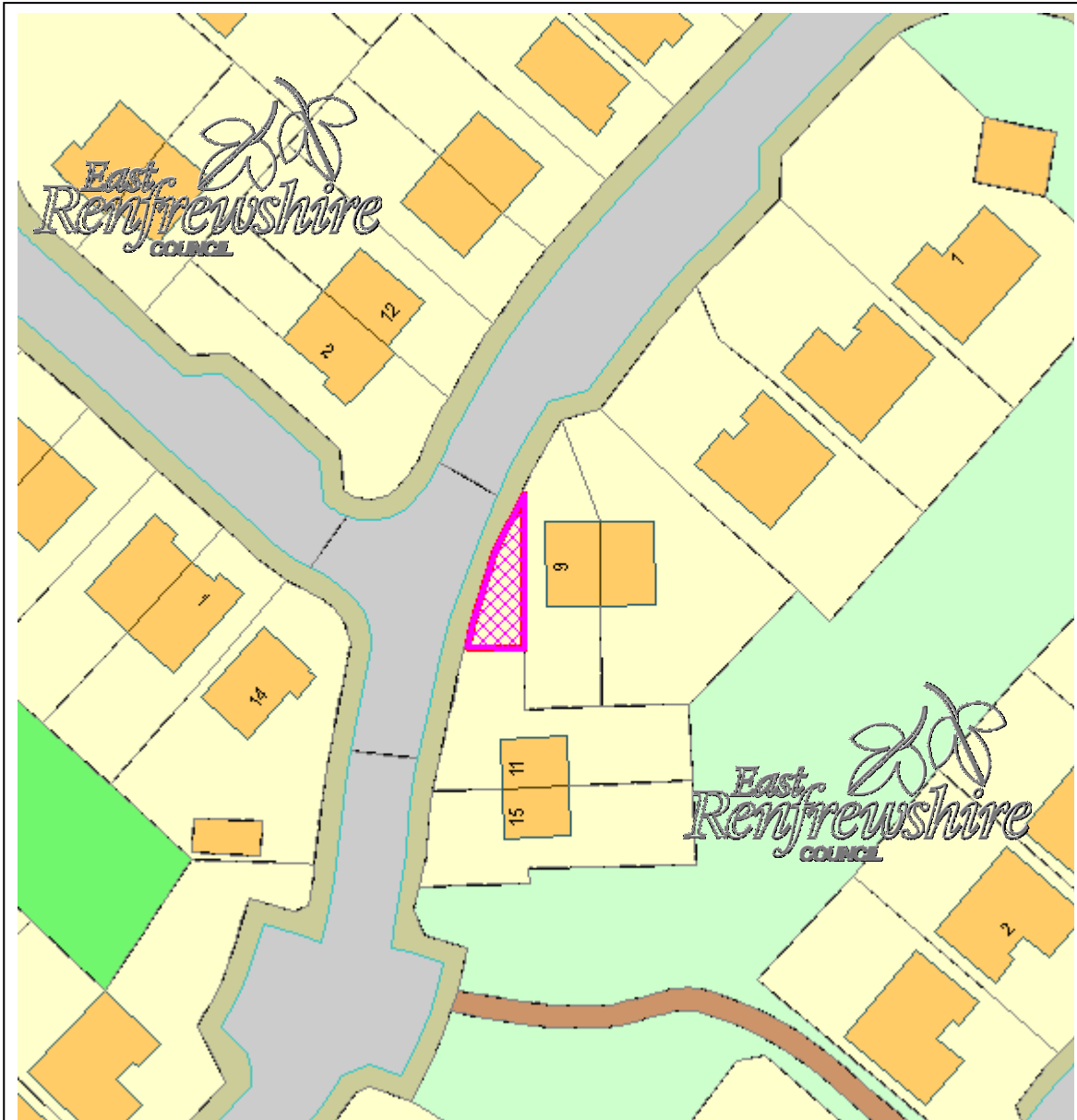
### **3.0 MAIN ISSUES**

- 3.1 The unauthorised change of use of an area of open space to private garden ground and the associated erection of a fence which is both out of character with the area and whose design and materials impact on amenity.

### **4.0 RECOMMENDATION**

- 4.1 Members are requested to authorise formal enforcement action should it be necessary to have the unauthorised fence removed and the enclosed area reinstated as open space.

Director of Environment, March 2015.



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This plan shows hatched in pink the triangular area of ground which was previously public amenity space to the side of 9 Priorwood Road  
Newton Mearns, East Renfrewshire, G77 6WR