

Application No: S/05/01164/FUL

Date Registered: 1st July 2005

**Applicant:** Steven Kidd  
10 Orbiston Square  
Bellshill  
ML4 2BN

**Development:** Formation of 1.8 Metre High Fence For a Length of 2 Metres within Front Garden

**Location:** 10 Orbiston Square  
Bellshill  
ML4 2BN

Ward: 25 Orbiston, Councillor Lyle.

Grid Reference: 272854 659397

File Reference: S/PL/B/7/39

Site History: 02/00680/FUL Extension to Dwellinghouse

Development Plan: Bellshill and Mossend Local Plan Policy H1 (existing residential areas) and the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) Policy HSG8 (established residential areas)

Contrary to Development Plan: No

**Consultations:** None

**Representations:** Three letters of representations were received, including one from the local member and one from Michael McMahon MSP.

Newspaper Advertisement: Not Required

**Comments:**

Planning permission is sought for the erection of a 1.8 metre high section of fencing projecting 2 metres from the front elevation of the house. The dwelling is a two storey end terrace which has extended to the side. The site is situated within an established residential area and policy H1 of the adopted Bellshill and Mossend Local Plan (1983) as well as policy HSG8 (residential amenity) of the finalised Southern Area Local Plan is a material planning consideration.

The proposed section of fence would be positioned along the mutual boundary of the application site and no 12 Orbiston Square. The front door of the adjoining property and the living room window of the applicant are immediately adjacent to one another along the common boundary. The fence would slope down to one metre in height for a length of 500mm.

Two letters of objection have been received, one from the adjoining neighbour and the other from the local member. The grounds of objection can be summarised as follows:

The adjoining neighbour objected on the basis that the fence would:

- be out of keeping with the surrounding,
- ruin the outlook from their window,
- block sunlight to the neighbours property,



\* Representation received from MSP.  
Two Representations in total.

North Lanarkshire Council  
Planning and Environment  
Headquarters  
Sales/Off. Planning House  
2 Tynes Road  
CUMBERNAULD  
G87 1JW  
Telephone 01226 616210 Fax 01226 619232  
OS Licence 100023549 2004



PLANNING APPLICATION No. S / 05 / 01164 / FUL

FORMATION OF 1.8 METRE HIGH FENCE FOR A  
LENGTH OF 2 METRES WITHIN FRONT GARDEN.

10 ORBISTON SQUARE, BELLSHILL.

\* Representation

Reproduced from the Ordnance Survey mapping with  
the permission of the Controller of Her Majesty's  
Stationery Office. © Crown copyright.  
Unauthorised reproduction infringes Crown copyright  
and may lead to prosecution or civil proceedings.



- be a potential hazard for the adjoining neighbours son who suffers from A.D.H.D, and  
The local members objection can be summarised as follows:
- it would be out of character with the area and as such is contrary to planning regulations
- set an undesirable precedent.

One letter of representation has been received in support of the application from Michael McMahon MSP, the contents of which are summarised below:

- Mr McMahon has been providing support and assistance to the applicants as they have been subjected to anti-social behaviour,
- The police and council's anti social task force have been involved for over two years, and
- It is hoped that the fence will provide a degree of privacy and reduce anti social issues.

In assessing this application the local plan policies for established residential areas is relevant. These policies seek to protect residential areas by opposing developments that adversely affect the character and amenity of the area.

In assessing the proposals in detail, it is considered to be acceptable in terms of the design and material and, in this respect, would integrate satisfactorily into the surrounding area. It is, however, also acknowledged that it would be out of keeping with the existing front fences as none exceed 1 metre in height.

The first issue raised in the letter of objection has been addressed above and it has been acknowledged that the proposed height of the fence would be out of keeping with the area. In relation to the second concern, it should be noted that the fence will not give rise to any noticeable loss of light due to the orientation of the dwellings. Furthermore, the neighbouring property's door is adjacent to the fence and as such loss of light is not considered to have a significant detrimental impact. With regard to the third point, it is considered that the proposal will not significantly increase the number of potential hazards and is therefore not sufficient justification to refuse the application. It is also agreed that granting this application permanently would set an undesirable precedent making similar applications difficult to refuse.

Taking into account the history of the situation, as detailed in the letter of support, it is considered that these issues out weigh the fact that the proposed fence would be an unusual feature in the surrounding area. Furthermore, as the proposed design and materials are considered to be acceptable, it only fails on one ground in regard of the local plan policies. On balance, it is considered that the proposal accords with policy H1 of the adopted local plan and policy HSG8 of the Southern Area Local Plan Finalised Draft (Modified 2001 and 2004) and is therefore recommended that the application be approved. However, permission shall lapse two years from the date of consent after which it can be assessed whether the fence is an appropriate feature in the area.

**Recommendation: Grant Subject to the Following Conditions:-**

1. That the permission hereby granted is for a temporary period only and shall expire on the 12<sup>th</sup> October 2007.

Reason: In order to safeguard the future residential and visual amenity of the surrounding area.

2. The fence shall be dark stained within two months of it having been erected and shall thereafter be maintained to the satisfaction of the Planning Authority.

Reason: In the interest of residential and visual amenity.

**Background Papers:**

Application form and plans received 1st July 2005

Letter from Mr and Mrs A Bell, 12 Orbiston Square, Bellshill, ML4 2BN received 7th September 2005.

Letter from Michael McMahon MSP, Member Of The Scottish Parliament For Hamilton North And Bellshill Constituency, Parliamentary Advice Office, 188 Main Street, BELLSHILL, ML4 1AE received 7th September 2005.

Email from Cllr Lyle, Leader of the Minority Group, Member Services, Civic Centre, Motherwell received on 27 September 2005.

Any person wishing to inspect these documents should contact Mr Kevin Treadwell at 01698 302102.