

Report

Report to:	Clydesdale Area Committee
Date of Meeting:	13 February 2007
Report by:	Executive Director (Enterprise Resources)

Subject:	Enforcement Action – Unauthorised Importation of Material and Erection of Boundary Fence at 20 Wellburn Lane, Lesmahagow
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1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ request approval for an Enforcement Notice to be served on the owner of 20 Wellburn Lane, Lesmahagow.

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that an Enforcement Notice be served on the owner of 20 Wellburn Lane, Lesmahagow to secure the removal of all material which has been imported on site and the unauthorised boundary fence that has been erected. This Notice would come into effect within one month of the date of service and a period of two months should be allowed for compliance with the Notice.

3 Background

- 3.1 On 30 August 2006, a complaint was received regarding unauthorised works which had been carried out within the rear garden of 20 Wellburn Lane, Lesmahagow. The works included the importation of material to create a level rear garden and the erection of a boundary fence. The creation of this level area has resulted the overlooking of the surrounding properties. As the property is on a slope, the overall effect has created a situation where the boundary fence is now approximately 2.5 metres higher than the existing ground level. The overall effect is that the fence is approximately 4 metres above the ground level of the adjoining property.
- 3.2 On 15 September 2006, a letter was forwarded to the owner of the property advising that planning permission was required for the engineering works to create a level area and the erection of the boundary fence. No reply was received. Further letters were forwarded on 5 October, 26 October and 5 December 2006. To date, no application has been received.
- 3.3 In the absence of an application, it is not possible to fully assess this proposal. I am, however, of the opinion that the works carried out are having an adverse impact on the amenity of the surrounding residential properties. The proposal is contrary to Policy RES1 of the Lower Clydesdale Local Plan and Policies RES6 and DM4 of the South Lanarkshire Local Plan (Finalised Draft) in that the engineering works and fencing have created a loss of privacy, daylight and sunlight and has resulted in adjoining properties being overlooked to an unacceptable degree to the detriment of

the residential amenity of their occupiers. It is, therefore, considered appropriate to serve an Enforcement Notice to ensure the removal of all imported material and the existing boundary fence from this location.

4 Employee Implications

4.1 There are no employee implications.

5 Financial Implications

5.1 Staff costs in preparing and submitting the Council's case.

6 Other Implications

6.1 None.

7 Consultations

7.1 None required.

Iain Urquhart

Executive Director (Enterprise Resources)

26 January 2007

Link(s) to Council Objectives

? Living in the Community.

Previous References

? None.

List of Background Papers

? None.

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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