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## **BREACH OF PLANNING CONTROL AT 26-28 GOLDEN CROSS ROAD, ROCHFORD, ESSEX**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services regarding a breach of planning control namely the non-compliance with Condition 6 of planning application reference RM/0223/98, that required the hedge along the northern boundary of the site not to be removed, pruned or otherwise reduced in height without the prior written agreement of the Local Planning Authority.
- 1.2 Members will need to consider whether it is expedient to serve breach of condition and/or enforcement notices, etc. and this function is discretionary. However, the mechanisms of such actions are statutorily controlled.

### **2 INTRODUCTION**

- 2.1 The site is located on the east side of Golden Cross Road, to the rear of the residential properties of 26 and 28 Golden Cross Road. The rearmost boundary of the domestic gardens here forms the boundary between the Green Belt and the area allocated as existing residential development.

### **3 HISTORY**

- 3.1 Outline planning permission was granted, at appeal in 1995, for the erection of 3 detached bungalows with garages and 1 detached house with integral garage. This permission was dependent on certain reserved matters being agreed. This was subsequently done (Application reference RM/0223/98/ROC), but the decision notice in respect of this permission included a condition requiring the existing hedgerow along the northern boundary of the site to remain.
- 3.2 Reports werethen received from concerned residents in the area who were unhappy that the part of the hedge required to be retained had in fact been removed. Contact was made with the builder's agents and assurances were received by this Council that the hedge would be re-instated once development had been completed and that, in the meantime, a 1.8 metre high fence would be erected along this boundary.
- 3.3 A further visit was made to the site and it was found that a temporary fence had been erected involving the leaning of wooden boards against a metal security fence. The decision was therefore taken, since this means of enclosure was deemed unacceptable, to secure authorisation for Enforcement action which would seek to ensure the erection of a

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close-boarded fence along this boundary, pending the planting of a new hedge once the developments on site have been completed.

#### **4 PLANNING ISSUES**

- 4.1 The hedgerow originally along the northern boundary of the site proved sufficient for protecting the residential amenity of the residents of No. 28a. The new bungalow adjacent to the garden of 28a is shown to be only one metre from the boundary and, therefore, there is a very real possibility of the residential amenity of the occupants of both 28a and the new bungalow being harmed by the lack of a hedge between the site, and the resulting problems of unconstrained views into and out of the private areas of both properties.
- 4.2 Furthermore, without any formal kind of screening along this boundary there is a likely to be serious detriment caused to the visual amenities of the residents of No. 28a while construction work continues. Therefore, despite the assurances of the developers that the hedge will be re-instated once works have been completed, it appears, in the meantime, necessary to safeguard the amenity of neighbours via the formal requirement that a fence be erected along the boundary, and that this be replaced by a formal hedge once developments have finished.

#### **5 RECOMMENDATION**

- 5.1 It is proposed that the Committee **RESOLVES**

That the Corporate Director (Law, Planning and Administration) be authorised to take all necessary action including the issue of Notices and action in the Courts to secure the remedying of the breach now reported. (HPS)

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