

**TITLE :** 03/00181/COU  
**CHANGE OF USE OF GRASS VERGE INTO DOMESTIC**  
**CURTILAGE AND THE ERECTION OF 0.9 M HIGH**  
**BOUNDARY FENCE**  
**LAND ADJACENT 57 ST JOHNS ROAD GREAT WAKERING**

**APPLICANT:** M J SANDERSON

**ZONING:** RESIDENTIAL

**PARISH:** GREAT WAKERING PARISH COUNCIL

**WARD:** FOULNESS AND GREAT WAKERING

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In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no. 693 requiring notification of referrals to the Head of Planning Services by 1.00pm on Tuesday 23<sup>rd</sup> September 2003, with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs B J Wilkins.

The item which was referred is appended as it appeared in the Weekly List, together with a plan.

#### NOTES

- 8.1 The application is for the change of use of a grass verge to the south of 57 St. Johns Road, Great Wakering into domestic curtilage and the erection of a 0.9 m high boundary fencing.
- 8.2 A fence has already been erected around the area of land and was the subject of an enforcement case. The enforcement team advised the owner of 57 to submit a planning application for a change of use and enclosure of the land.
- 8.3 The strip of land is 2.59 m wide and runs from the front of the property to the end of its rear garden, 15.24 m long. The front fence (west elevation) is a 0.9 m in height timber palisade fence and the fence to the north elevation is 0.9 m high green plastic coated chain link. Policy H26 of the Rochford District Local Plan First Review relates to the enclosure of grass verges. This policy outlines a number of issues to consider when enclosing grass areas, including highway safety.

8.4

The land is currently non maintainable adopted highway and the erection of the fence around it has narrowed the public highway making it difficult for vehicles to pass; being adjacent to a right angle bend, the forward visibility is reduced causing a danger and obstruction to vehicles trying to manoeuvre round the corner. Additionally, the grass verge in a built up area provides a contribution to the general amenity of the street.

8.5

**Essex County Council (Highways)** – have recommended that permission be refused. The area of land is non maintainable adopted highway and as such is a right of way for members of the public, both vehicular and pedestrian. If permitted, this public right of way will not be able to be used safely. The proposal would also narrow the existing public highway to the detriment of highway safety.

8.6

11 neighbour letters have been received as a result of the consultation process, 5 in favour of the application and 6 against. The letters supporting the application note that previous to the area being fenced off it was used as a rubbish dump and suffered problems of dog fouling; since being enclosed its appearance has improved. Those against the proposal have concerns over highway issues. They claim that the erection of the fence has made it difficult to see oncoming traffic and it is difficult for 2 vehicles to pass.

#### REFUSE

- 1 The area of land in question is non-maintainable adopted highway and as such is a right of way for members of the public, both vehicular and pedestrian. If the proposed development is allowed to go ahead the public will not be allowed to enjoy and use this public right of way safely.

The proposal would narrow the existing public highway and inhibit the ability of vehicles to pass at this location. As the proposed enclosure is close to a right angle bend, with limited forward visibility, this would cause a danger and obstruction to vehicles trying to manoeuvre around the corner.

Pedestrians would be endangered by vehicles manoeuvring awkwardly at this location by both pedestrians and vehicles trying to avoid potholes and the reduced width of the track leaving less room to manoeuvre in. Therefore, if this development were allowed to take place, it would cause a danger and obstruction to all highway users and be detrimental to general highway safety and especially that of pedestrians.

**Relevant Development Plan Policies and Proposals:**

H26, of the Rochford District Council Local Plan First Review



Shaun Scrutton  
Head of Planning Services

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For further information please contact Lorna Maclean on (01702) 546366.



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