

Checks Made Prior To Erecting The Fence

I spoke to my neighbours and explained that I would like to erect a fence and explained exactly where it would go. The only comments I received were that they were surprised I hadn't done it sooner, as I was so on view to anyone using the footpath.

Prior to arranging for the work to be carried out, I contacted Arun District Council (ADC) to seek advice as to whether planning permission was required. I was advised that I could find all the information I needed on the planning portal.

The Reason I Believed I Did Not Require Planning Permission

The planning portal guidelines were as follows:

You will need to apply for planning permission if you wish to erect or add to a fence, wall or gate and it would be over 1 metre high and next to a highway used by vehicles (or the footpath of such a highway); or over 2 metres high elsewhere; or your right to put up or alter fences, walls and gates is removed by an article 4 direction or a planning condition; or your house is a listed building or in the curtilage of a listed building, the fence, wall or gate, or any other boundary involved, forms a boundary with a neighbouring listed building or its curtilage.

Using the information provided on the Planning Portal I decided that I did not need planning permission for the following reasons:

- ▶ My fence is over 1 metre high, but it is not next to a highway used by vehicles and is not over 2 metres high.
- ▶ I looked up what an article 4 direction is and it appeared to me that an article 4 direction only applies to conservation areas, which my plot is not in.

It was not until I received the letter from ADC that I was aware of the Garden Estate Agreement.

Garden Estate Agreement

I purchased my house when I was 19 and it was adapted to allow for my disability and to living my life while confined to a wheelchair following a serious car accident when I was 17. I was very young so the purchase and all legalities relating to the property were managed by my parents. Which is likely the reason I was not aware of any documentation that related to an agreement made, in 1964, between ADC and the builder of the West Meads Estate?

When looking around the estate, so long as I have followed the government guidelines for fence height and position in relation to the highway, there was no reason for me to think that erecting a fence would be an issue; so many walls and fences both around the side and front of houses have gone up in the 39 years I have lived here. I have since been advised, by Samantha Allen from the Planning Department, that the reason there were no enforcement notices issued for all of the other walls, fences, and gates is that they had not been disputed. The estate contains so many infringements, along with some enormous hedges, it seems to me that it can hardly be called open plan anymore.

Recently, It was suggested to me that instead of a fence I should grow bushes and have a fence on the inside. Considering the amount and size of shrubs/ bushes I would need to grow, to contain my dog and give me privacy, I no longer work so could not afford the maintenance of them and could not do it myself. I find it difficult to understand why a barrier consisting of 6ft high bushes and shrubs, with a fence behind, is considered to be more open plan than a fence on its own. I am happy to paint the fence and plant some small low maintenance shrubs along the front of the fence, within the front garden (which was what I had always planned), but anything more than that would not be feasible and the growth would likely become a nuisance to people using the footpath (something I have personally experienced in other parts of the estate).

Property With A Fence Positioned Similarly to Mine (Relative to its Surroundings)

No. 30 Churchill Avenue, Westmeads

Fig. 1 shows a house on this estate with a fence to the front and a wall with a fence topper to the back, that runs along a footpath similar to mine. The house position also has a green and bungalows adjacent to it, as does mine pictured in Fig 2.

Fig 1



Fig 2



I understand that the owners got planning permission for it in 1987 (Planning rules for fencing may have required permission at that time). There was no covenant, article 4 or open plan ruling enforced in relation to this and I cannot see that there were any letters opposing the build.

The only variation to mine is that, more recently, a fence has been added that goes forward from the front building line, for which they do not appear to have planning permission for.

I have no problem with any of the fences shown in fig 1, front or back, but am hoping as Planning Permission has already been granted for a similarly positioned fence at a property in the same road as mine, less than 200 yds away, it will be a favourable point in the assessment of my retrospective planning application for mine shown in Fig.2.

As explained above, I did not deliberately avoid applying for Planning Permission, I thought I had covered everything when I checked with the council offices and then the portal. I have since discovered that the people who are aware of the Garden Estate Agreement, appear to be those that have more recently moved on to the estate as it has come up when they have performed searches.

Sadly the people who are arranging for complaints to be made didn't knock on my door and make me aware of the agreement during the 2.5 wks that the fence was being erected and before the previously existing wall was knocked down. This means that with no fence, the back garden would be open to the road and the situation regarding exercise for my Canine Partner would be worse than before.

I do not know what the official grievance was regarding my fence and whether the letter writer lives in a position that overlooks it, but I'm pleased to say that the people both in my immediate vicinity and more widely on the estate have shown me a lot of support and want me to be allowed to keep it.

Other Benefits That Having The Fence Brings

Along with the benefit of exercising Verdi there are other significant benefits that come with the erecting of my fence as discussed below:

A Way To Free My Garage For My Car

Due to my pain increase I have resorted to using a mobility scooter. Consequently, I am now unable to park my car in the garage, as this is the only place to charge the scooter that keeps it dry and secure. This means that every time I go out I have to lift my wheelchair in and out of the car. It is painful to do and years of wear and tear has caused damage to my shoulders that resulted in me needing surgery last year. The surgery to my shoulder was unable to repair all the damage so will only be a temporary fix and I've been told I will need further surgery if I continue to overuse it.

Previously, before the scooter, when the car went into the garage I could leave my main wheelchair in the car and would transfer onto my spare chair in the garage, which I would then use around the house. Transferring in the garage is not only safer for me to do, but also has the added benefit of me not needing to get in and out of the car outside and dismantling the chair when its dark, windy or wet.

The extra space that the fence has provided will enable me to erect a covered area (subject to planning permission) for my scooter with an electric point for charging so that I can safely transfer onto it, leaving my wheelchair protected from the weather when I go to the shops or take Verdi out. This will then free up the garage for me to park my car in. Having the electric scooter in the garden will have the added benefit of being at an easy point of use when exercising Verdi in the garden.

Privacy

Before I put up the fence the back door and side windows of my home opened onto the road. This meant that when people drive down from the top of the road, in the evening or early morning, when my lights are on, I am in full view to them or anyone passing the house from the road or using the footpath along the side of the house.

I am on a corner plot which makes my front and side garden an obvious short cut for postmen, leaflet deliverers, cold callers, bin men , etc. I need to make sure at all times that I am suitably covered up when going to my kitchen, even if just quickly getting a glass of water, as I have seen people peering in whilst cutting across the lawn. Even properly dressed it was common for me to get a sudden fright as I became aware of someone cutting the corner by my window.

Safety

I never felt comfortable going out to my bin (Fig. 3) after dark as there was nothing between my back door and the street; it's unusual, on this estate, for a house's back door not to be more private and secure. My concerns have been heightened over the last few years as there have been several burglaries on this estate, which appear to be aimed more specifically towards corner or end of row plots that have a footpath running alongside. Its easy to feel vulnerable when you live alone and are in a position that makes it more difficult to fight back.

Since I have had the fence I have felt so much safer and more secure than I was previously. I have a right to protect my privacy and create a safe environment and I am sure anyone would feel this was important.

Fig 3



Some Last Notes

I am sure you aren't used to getting such large accompanying documents but, since receiving the letter from the ADC planning Dept, this has been very hard for me and the detail I have included is an indication of how important it is that I be allowed to keep the fence. I need to get around both inside and outside of my house easily and safely and to be able to care for myself and my dog without help.

Having experienced the massive increase in my sense of security and privacy that the fence has given me; I think that without it I will feel even more at risk than before not to mention I may no longer have a wall to close off the back of my bungalow. Unfortunately I cannot help but feel isolated.

