

# Homeowners anger at rejection of boundary fence

**A West Lothian home-owner has been left furious after being ordered to rip out a fence she spent thousands of pounds installing to protect her garden.**

Dawn Gardner appealed after a retrospective application for the fence was rejected and spent more than £680 preparing an appeal.

Councillors rejected that appeal after around 10 minutes of confused discussion at the Local Review Body, which had planning officials looking uncertain at what was happening.

Dawn said she couldn't believe the way the meeting was conducted and told the Local Democracy Reporting Service: "I want to raise a complaint on how the committee handled the meeting. It was shameful.

"My husband was watching the meeting. He didn't even know the fence had been declined."



Fence

Fence

Dawn and Sacha Gardner had no complaints from neighbours when they built the fence, but the local community council said it should be kept as open space.

Dawn added: "They took six or seven minutes to discuss my appeal and the reason it was objected to was because one councillor didn't like the look of the fence. That is not a valid reason.

"You're being asked to pay £600 for an appeal and it is not even going to be entertained, within six minutes is going to be dismissed, your appeal will not get taken into account."

Dawn put up the fence after becoming tired of picking up dog mess as well as her family seeing the anti-social behaviour on the ground alongside her Eliburn home.

She told the LDRS that while the dog mess was bad enough,

worse was having drunks urinating against the garden wall just feet from her back door.

Having put up the fence however, she found that her application was refused by a planning officer, and so appealed to the Local Review Body to have that refusal overturned, providing a detailed statement and photographs.

At the planning meeting there was confusion over details such as the height of the fence, and whether the length was 60ft or 60m – and even planning officers seemed uncertain at rambling remarks and questions from councillors.

“It’s a massive let down.,” Dawn said. “From all that West Lothian Council asked us to do and what they did in return. There was nobody there to speak for us, nobody there to read my appeal. There was nobody there to represent us so our voices weren’t heard.”

She now plans to appeal to the Scottish Government and has written to her MP to complain about the way the meeting was handled.

Dawn said: “If they [councillors] had walked around the estate, they would have seen that others have put fences like this up on their gable ends. I have not done anything wrong.”

Dawn had fenced off ground – around 200 sq m off land – because she was fed up with it being used by people letting their dogs mess, and by others using it as a shortcut alongside her back door and across her driveway. The house lies on a direct footpath route to Livingston North railway station.

She and her husband Sacha have to maintain the land – it is not maintained by a factor. The previous owner of the house had to pay for the removal of diseased trees from the site which bounds the curving slope of Waverley Crescent as it climbs from the entrance road to the estate.

Neighbours living across the road had no objection to the fence – one even wrote supporting it – but the local Eliburn Community Council objected, as did a neighbour from the other side of the estate around Waverley Crescent.

Dawn had also raised fears about security around her property and was angry that councillors had dismissed her concerns

“They’re more worried about the colour of the fence. How many councillors would like to have people stand at the top of their garden and look down into their homes? “

Few homes on the estate have the open space designed around them when they were first built. Many have installed boundary fences, large and small and many more have grown hedges, shrubbery and tall trees along their boundaries.

Dawn said: “No one has been challenged. The estate is almost 30 years old but the world isn’t the same as it was 30 years ago. We don’t live the same as we did 30 years ago.”

Planning officers said security and dog fouling were not relevant planning issues, but the visual amenity of the area was.

A report to the LRB said: “The land in this case is owned by the applicants which is common for areas of landscaping such as these to belong to the house owner. However, these areas do not form part of the curtilage and are designed to be an area of public landscaping to benefit the estate as a whole.

“Amenity landscaping such as this is purposefully included within residential areas to contribute positively to the visual amenity of an area and prevent fences from being hard up against the pavement resulting in a more open and green appearance to housing areas.”

By Stuart Sommerville, Local Democracy Reporter