Precedent of Enclosure along boundary of Frogwell House with Station Road

There has existed a fence greater than one metre in height on the boundary of Frogwell House with Station Road since circa November 1991. I have documentary evidence that it was erected by Wiltshire Council to improve visibility at the junction along the village highway. I took ownership of the property in Mar 2013. The boundary was then massively overgrown with towering fir trees and brush that spilled into the road thus restricting visibility and blocking light from neighbouring properties. In May 2015, after significant garden works were completed to the back garden that runs parallel to Station Road, we were completely overlooked. I erected a fence greater than one metre in height that improved visibility along the highway from the original overgrown shrubs and brush. Essentially for us it afforded us some measure of privacy and noise abatement from the traffic, as well as from pedestrians, cyclists and horse riders looking into the garden and often pausing to pass comment owing to the fact that our entire back garden is bordered by the road. Pedestrian 'traffic' is particularly high along our section of road due to those using the village hall opposite and those going to and from the village pub circa two hundred metres further south along Station Road.

Neither I nor the neighbours I consulted before fence erection, nor the professional fencers who provided estimates, or the fencer who finally installed the fence raised or knew about any regulation requiring planning permission for fences next to highways where they are of a height greater than one metre. Therefore, we were unaware of said requirement and did not intentionally seek to contravene it. Neighbours were supportive and passed comment on how good the current fence was and indeed remains. In fact, I obtained details of the fencing contractor from one neighbour who has a similar fence on their property boundary opposite to mine and after the current fence was completed in May 2020 another near neighbour within 100 metres asked for details and has had a similar height fence installed along their property boundary with the highway in Lye Common. There are several other examples of similar fences along Lye Common that adjoin the highway boundary also.



Benefits of The Fence

The fence improves visibility in a consistent straight line of sight along a particularly narrow section the village road.

It acts as a screen providing some privacy from pedestrians to what is an otherwise overlooked private back garden, whereas deciduous hedging is bare for half the year or more.

It acts to reduce road noise polluting a quiet back garden space, especially from vehicles regularly breaking the 30 mph speed limit.

It provides some degree of security, and prevents small animals and pets from shooting out onto the highway.

It provides an easy to maintain boundary with the village highway.

It provides some reduction in noise and disturbance from the opposite village hall, its gravel car park, just off-road parking, and voices and music from hall users.

Whereas a fence ensures consistently good visibility along the highway, a hedge encroaches on the road and reduces visibility as can be seen below on the opposite side of the road.

This is a village where there are few pedestrian pavements, and many properties which have hedges that follow borders that sit very closely to the road. The road is often narrowed substantially by hedges that seasonally bush out and make visibility an issue, and by installing a fence that at least gives us privacy from pedestrians seems a reasonable solution to a narrow section of Station Road.



Future Disturbance Mitigation

There has recently been a planning application to replace and expand the village hall and as such the fence will provide some mitigation of the factors I raised during the planning process. See PL/2023/00354, Comment Number WC-23-02-257165 dated 11 Feb 2023 for details, copied below for ease of reference.

"We support the redevelopment of the Village Hall site and the building of a suitable building with appropriate amenities. There is much to applaud in the submitted plans. Our main concerns are about light and noise pollution, and anti social behaviour but also include safety and security. There are no streetlights in this quiet village and no significant open recreational space at the current village hall location. The location is surrounded on 3 sides by private, peaceful houses and gardens. The road has no pavements and is narrow. There are regular tyre marks left in the road within proximity of the village hall due to fast moving vehicles breaking hard to avoid oncoming speeding vehicles. Animals have been injured. These matters and more were raised during village consultations. However we find insufficient assurances within the submitted documentation that due attention has actually been given to the points raised during village consultations. It appears to have been more of a 'tick the box' undertaking.

1. The license to serve alcohol to 2AM I believe is too late and will encourage the breach of undertakings to respect neighbouring properties' rights to a curfew on noise pollution and potentially lead to further increase in unwanted noise and anti social behaviour. All noise should cease much earlier (perhaps except NYE). Isn't it non-sensical and unnecessary to have a license for after the proposed village hall closing time? Shouldn't it end at least 30 mins prior to hall closing to allow for drinking up? We seek a condition to address this.

2. We would like the outside lighting in the car park only to be lit when the hall is in use. To have it any other way is wasteful of energy and an unnecessary environmental pollutant. As such it should be switched on by the key holder on entry and off when closing up. Reflective markers could be used for initial entry, with a limited range motion sensor porch light. That would reduce light pollution and minimise the change from current use. We seek a condition to address this.

3. Acoustic fencing should be installed around the front and both sides of building thus reducing noise pollution for all neighbouring properties, with noise then funnelled onto open farmland over views on the East end. It can be set back from the road, and would also address the issue of security and anti-social use of the car park. We seek a condition to address this.

4. The inclusion of a "space for marquee" was specifically mentioned during a village consultation meeting. This suggests the new village hall may be an ideal spot for increased outside use, in fact the only available spot for miles around. Ensuring an appropriate measure of usage and consultation on 'increased use' and ensuring noise and light pollution, and anti-social behaviour is reduced as much as possible is important. We seek a condition to address this.

5. We remain extremely concerned about the site being used as a meeting ground for teenagers and younger children using it for play, therefore leading to increased noise and light, plus unsociable behaviour and associated security risks for surrounding properties. There have been examples of this, including some meetings of young people with cars from surrounding areas meeting and drinking in the

grounds of the existing village hall. We suggest the whole area should gated and be made secure and again opened by hirer or keyholder at time of use. We seek a condition to address this.

6. At present, when our windows are open or we are enjoying the peace of our garden, we can hear chairs being moved in the current hall with all its doors and windows shut, and the thumping we endure when there is a disco or music being played is unbearable. Entire conversations in the car park can be clearly heard when sat in our garden. We understandably have concerns over privacy of our home and garden, and the sound impact on every area of the property, especially with 'increased use' which will inevitably happen in order to make the new village hall a viable financial investment. We accept the intention that the new hall has better sound proofing but seek further measures to ensure this is the case. For example is it not more appropriate to include air conditioning so that windows are not required to be opened during noisy events? That would reduce noise pollution and also future-proof the building against increasing climate change conditions. (An acoustic fence has also been suggested in condition 3. Which would support this condition.) We seek a condition to address this.

7. We feel that traffic calming in the road either side of the planned entrance would enhance safety significantly. Recent traffic speed survey results for Station Road, published in the Parish News, has included speedwatch evidence of vehicles travelling well in excess of the 30 mph limit, indeed some at twice that limit. Large vehicles, articulated trucks, tractors with laden trailers, delivery vehicles, and fast moving cars and vans, all share the same road (that has no pavements) with pedestrians, horses and riders, children, cyclists and domestic animals. Vehicular access and egress from the new village hall should take full account of this and traffic calming measures should be required. We seek a condition to address this.

To be clear, we do support the concept and development but are not confident our concerns will be properly addressed unless made subject to conditions outlined above."

It should be noted that without the current fence all of the above factors would be accentuated and diminish to an unbearable degree the privacy and sanctity of our private back garden. Our private patio, conservatory, and whole back garden would be exposed to all passers-by; our privacy would be invaded completely.

Conclusion

There has existed a fence greater than one metre in height on part of the boundary of Frogwell House with Station Road for over 30 years. The current fence both improves visibility along the narrowest section of village highway and provides a degree of privacy to our private back garden, patio and conservatory.

This is a village where there are few pedestrian pavements, and many properties which have hedges that follow borders that sit very closely to the road. The road is often narrowed substantially by hedges that seasonally bush out and make visibility an issue, and by installing a fence that at least gives us privacy from pedestrians seems a reasonable solution to a narrow section of Station Road.

