

**4/03002/15/RET - RETENTION OF TIMBER PICKET FENCING AND TWO TRELLIS FENCES SURROUNDING BOUNDARY.
21 BULBOURNE COURT, TRING, HP23 4TP.
APPLICANT: MR J HAMILTON-HEWARD & MS E RAMIREZ.**

[Case Officer - Rachel Marber]

Summary

The application is recommended for approval.

The retrospective timber picket fencing and two trellis through size and design would not adversely impact upon the visual amenity of the existing dwelling house, immediate street scene or the residential amenity of neighbouring residents. The proposal is therefore in accordance with saved appendices 3 and 7 and policy 97 of the Dacorum Local Plan (1991), policies CS11, CS12 and CS24 of the Core Strategy (2013), the NPPF (2012) and the New Mill West SPG Area Character Appraisal (2004).

Site Description

The application site is located to the North West of Bulbourne Court, Tring, and resides within the Chilterns Area of Outstanding Natural Beauty and New Mill West Character Area Appraisal (TCA13). The site comprises of a 1980s chalet bungalow which is externally finished in red brickwork with a grey tiled pitched roof. To the west of the dwelling there is an area of shared parking. Parking provision would sufficiently accommodate a minimum of one domestic car.

The property was built as part of a cul-de-sac, which was granted permission in 1983, and consists of similarly constructed properties. All properties are relatively regimented in regards to architectural detailing, separation gap, height, size and build line. The area has a verdant aspect emphasised by the planned landscaping and rectangular garden plots serving the properties. The overall character of the area possesses a low rise, compact, small scale character and appearance.

Proposal

The application seeks permission for the retention of the timber picket fencing and two trellis fences surrounding the front and side curtilage of the dwelling house.

The purpose of the fencing is to create an enclosed front garden in which the owner/occupiers' dog can play safely.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Tring Parish Council.

Planning History

No Relevant History

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Dacorum Core Strategy (2013)

CS4 – The Towns and Large Villages

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS24- The Chilterns Area of Outstanding Natural Beauty

Saved Policies of the Dacorum Borough Local Plan (1991-2011)

Policy 13 – Planning Conditions and Planning Obligations

Policy 97- Chilterns Area of Outstanding Natural Beauty

Appendix 3- Gardens and Amenity Space

Appendix 7 - Small-scale House Extensions

Supplementary Planning Guidance (2004)

Area Based Policies- Development Residential Areas Tring

Summary of Representations

Comments received from consultees:

Tring Town Council

Objection

"Tring Town Council recommends refusal of this application on the grounds that it is out of keeping in an area where the original concept of the neighbourhood was an open area. The dominance of the trellis especially so."

Archaeology Unit

No Comment

"In this instance, the erection of the fencing is unlikely to have had an impact on

significant heritage assets of archaeological interest. I therefore have no comment on the application."

Comments received from local residents:

37 Bulbourne Court

Objection

"I wish to raise an objection to the fence at 21 Bulbourne Court.

While I am at ease with the construction of the fence perpendicular to the front elevation of the property which separates the gardens of 21 and 23, I do consider that the presence of the fence along the public highway is not in keeping with the open plan design of the front gardens of Bulbourne Court that face the road. No other property has such a structure along the roadside.

I am concerned that if this fence is permitted as submitted, it will set a precedent that could lead to other properties following suit thus resulting in a variation of fence/wall design that I believe will give an oppressive feel to Bulbourne Court.

Bulbourne Court was constructed in the mid-1980s and so far the intended open plan design has been maintained which provides a pleasant, safe and neighbourly environment in which to live. I would like this open plan design of the Bulbourne Court to be maintained."

23 Bulbourne Court

Support

"As the immediately adjacent property, we write in support of the fence, based on the fact that the owners have a large dog. Our front garden, which is all we have, was originally open plan with Number 21 before the fence was installed. We like to spend a lot of time relaxing in our garden and the fence provides us with the security of knowing that their dog, and the other dogs that visit the property, are kept within the confines of their own garden."

A petition in support of the proposed fence, signed by 12 residents was also received alongside the application.

Key Considerations

Principle of Development in the Chilterns Area of Outstanding Natural Beauty

The application site is also located within the Chilterns Area of Outstanding Natural Beauty wherein the principle of development is subject to prime planning considerations which give regard to the conservation of the beauty of the area in addition to the economic and social well-being of the area and its communities. Thus, development is permitted subject to its satisfactory assimilation into the landscape and accordance with saved policy 97 of the Local Plan (1991) and policy CS24 of the Core Strategy (2013).

Effect on Appearance of Building and Street Scene

Saved appendix 7 of the Dacorum Local Plan (1991), policies CS11 and CS12 of the Core Strategy (2013) and the NPPF (2012) all seek to ensure that any new development/alteration respects or improves the character of the surrounding area and adjacent properties in terms of scale, massing, materials, layout, bulk and height.

Furthermore, the Area Character Appraisal for New Mill West highlights that the *“enclosure of front areas is not encouraged in parts of the area where front gardens are open plan in layout and generally unenclosed. This is expanded further, “proposals for the enclosure of front areas by fences or walls over 1 m in height will not normally be permitted.”* Nonetheless, private landscaping is strongly encouraged, *“the existing provision of landscaping, planting and grass verges within the area should be maintained.”*

In accordance with the submitted application the proposed picket fence is of simple, traditional timber construction and measures 1.2 metres in height (with the trellis section measuring 1.8 metres), with a depth of 12.5 metres and maximum width of 6.5 metres. Thus, the retrospective fence is considered of modest size and constructed from natural materials.

The majority of objections raised were in regards to visual amenity. The main points of concerns are as follows:

- The fence would appear incongruous within the cul-de-sac.
- The proposed fence would contravene with the open plan layout of Bulbourne Court.

The proposed fence is not considered to appear incongruous within Bulbourne Court or contravene with the existing layout. The reason for this is that many properties feature closed, defined boundaries hosting elements more dominant and bulky than the proposed, such properties include:

- The 1 metre high front boundary brick wall, which is visible upon entering Bulbourne Court (1 Bulbourne Court);

- The 1 metre high front boundary hedge, fronting Old Timbers;
- The 1 – 3 metre (approximately) high shrubs, fronting number 27;
- The 1.8 metre high close boarded wooden fence and 1.8 metre high brick wall, which forms the boundary for number 35;
- The 3 metre (approximately) high hedge and 1.8 metre high brick wall, which forms the rear boundary of number 7;
- The 1.8 metre high close boarded front boundary fence serving number 35; and
- The 1 - 4 metre (approximately) high shrubs and trees fronting properties 37 and 39.

These examples of front, side and rear boundary treatment set precedence for the form of development within the close. It is consequently considered that the retrospective fence satisfactorily assimilates into the landscape of Bulbourne Court and serves significantly less visual dominance and intrusion than some of the structures outlined above. Hence, the retrospective fence is not considered to affect the beauty of the Chilterns AONB and would appear congruous within the surrounding area.

In addition, taking into consideration the original boundary treatment which consisted of 1 - 6 metre high shrubs and hedges it is not considered that the replacement fence would be of any further visual detriment to the open plan nature of the Close.

Moreover, the retrospective fence would be of little detriment to the open plan layout of the area, due to its 1.2 metres proposed height, (which would reside below line of sight) and the picket fence style, (which is see-through). Moreover the aim of the trellis section is to encourage plant growth which would soften the appearance of the fence and complement the verdant aspect of the surrounding area. Accordingly, the retrospective fence does not appear as a stark visual intrusion, nor impair the visual outlook of the Bulbourne Court. Therefore, such private landscaping is considered to be in accordance with the area SPG and would mitigate the detriment caused by the 0.21 metres excess fence height which is discouraged.

As a result a condition has been attached to the permission requiring the establishment and on-going maintenance of the proposed landscaping works to ensure that the structure is sufficiently screened throughout all four seasons of the year. This would also ensure the provision of planting that would be sympathetically sited and designed with regards to the surrounding landscape and buildings; complying with Chilterns AONB policies CS24 and 97.

Although Permitted Development Rights have been removed from Bulbourne Court it is important to note that Permitted Development Rights, Part 2, Class A, Minor operations, would certify a 1 metre high fence (fronting the highway) as Permitted Development, without the need for planning consent. For this reason the proposed fence is considered a subservient element, of nominal harm to the openness and outlook of the area.

As a result the retrospective fence is not considered to result in further visual intrusion or harm to the character and appearance of the existing dwelling or surrounding street scene; accordingly the proposed coheres with the NPPF (2012), Saved appendix 7 and policy 97 of the Dacorum Local Plan (1991), policies CS11, CS12 and CS24 of the Core Strategy (2013) and the Area Character Appraisal SPG (2004).

Effect on Amenity of Neighbours

The NPPF outlines the importance of planning in securing good standards of amenity for existing and future occupiers of land and buildings. Appendix 3 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013), seek to ensure that new development does not result in detrimental impact upon neighbouring properties and their amenity space. Thus, the proposed should be designed to reduce any impact on neighbouring properties by way visual intrusion, loss of light and privacy.

The retrospective fence is not considered of detrimental harm due to the low residing fence height of 1.21 metres (which sits below window height), and the picket fence style which is visually permeable. As a result, it considered there is no significant loss of daylight or sunlight to the neighbouring ground floor window as a result of the proposal. The alteration is acceptable in terms of the NPPF (2012), appendix 3 and 7 of the Local Plan (1991) and policy CS12 of the Core Strategy (2013).

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The landscaping works on the trellis hereby permitted shall be planted within one month of the permission hereby approved and maintained thereafter in accordance with the following approved plan:**

CHM/3532/A1

Reason: For the avoidance of doubt and in the interests of proper planning and to ensure a satisfactory appearance to the development and to accord with adopted Core Strategy Policy CS12.

Article 31 Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.