

ITEM NUMBER: 5g

20/00566/RET	Retention of timber enclosure/fencing.	
Site Address:	33 Bulbourne Court Tring Hertfordshire HP23 4TP	
Applicant/Agent:	Update Record	
Case Officer:	Heather Edey	
Parish/Ward:	Tring Town Council	Tring Central
Referral to Committee:	Recommendation is contrary to the view of Tring Town Council	

1. RECOMMENDATION

That planning permission be granted.

2. SUMMARY

2.1 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013).

2.2 Though concerns have been raised that the existing fencing is of poor design and out of keeping with the open plan layout of neighbouring properties along Bulbourne Court, the development proposed under the current application is not considered to appear incongruous within the cul-de-sac, given that numerous properties within the immediate area comprise closed, defined front boundary treatment, (i.e. 1 Bulbourne Court, 37-39 Bulbourne Court and 21 Bulbourne Court). Furthermore, given the modest scale, height and timber finish of the existing fencing, the development proposed for retention under the current application is considered to satisfactorily assimilate into the landscape of Bulbourne Court, and wider AONB.

2.3 Furthermore, given the scale, positioning and nature of the development, it is not considered that the existing fencing has any adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy.

2.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004), the TCA13: New Mill West Character Area Appraisal (2004) and the relevant sections of the NPPF (2019).

3. SITE DESCRIPTION

3.1 The application site comprises a two storey end of terrace dwellinghouse, situated on Bulbourne Court within a designated residential area of Tring. The site falls within the Chilterns Area of Outstanding Natural Beauty and the TCA13: New Mill West Character Appraisal Area and just outside of designated Metropolitan Green Belt land.

3.2 Bulbourne Court forms a small cul-de-sac, consisting of properties that are relatively regimented with regards to architectural detailing, separation gap, height, size and build line. Though the area has a verdant aspect, emphasised by the planned landscaping and front rectangular garden plots, it is noted that there are numerous examples of neighbouring properties within the immediate area that comprise closed, defined front boundaries.

4. PROPOSAL

4.1 Retrospective planning permission is sought for the retention of the existing fencing, positioned to the front of the main house. Constructed from timber posts and timber gravel board planks, the fencing projects approximately 5.9m deep from the front elevation, and 2.1m to the side, partially

enclosing the front garden. Though the existing fencing follows the boundary of the front garden, which is noted to be uneven, sloping downwards, the existing fencing is modest in height, measuring 1m at its highest point.

5. PLANNING HISTORY

None

6. CONSTRAINTS

Parking Accessibility Zone (DBLP): 4
Special Control for Advertisements: Advert Spec Contr
Area of Outstanding Natural Beauty: CAONB outside Dacorum
British Waterways (25m Buffer): WA (E): 25m buffer
British Waterways (25m Buffer): WA (W): 25m buffer
Canal Buffer Zone: Minor
CIL Zone: CIL2
Former Land Use (Risk Zone): Sewage Farm, Tring Ford Road, Tring
Former Land Use (Risk Zone): Sewage Works, Tring Ford Road, Tring Wharf
Former Land Use (Risk Zone): Former Lime Kiln, Gamnel, Tring
Green Belt: Policy: CS5
Parish: Tring CP
RAF Halton and Chenies Zone: RAF HALTON: DOTTED BLACK ZONE
RAF Halton and Chenies Zone: Green (15.2m)
Residential Area (Town/Village): Residential Area in Town Village (Tring)
Town: Tring

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents:

National Planning Policy Framework (February 2019)
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

Relevant Policies:

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS10 - Quality of Settlement Design
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design
CS24 – The Chilterns Area of Outstanding Natural Beauty
CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2002)

Planning Obligations (2011)

Roads in Hertfordshire, Highway Design Guide 3rd Edition (2011)

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2011)

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal;
The quality of design and impact on visual amenity; and
The impact on residential amenity.

Principle of Development

9.2 The site is situated within the residential area of Tring, wherein Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013) are relevant. Policy CS1 of the Dacorum Borough Core Strategy (2013) guides new development to towns and large villages, noting that new development is acceptable in these areas provided it causes no damage to the existing character of the surrounding area and is compatible with policies protecting and enhancing the Chilterns Area of Outstanding Natural Beauty. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.

9.3 The site also falls within the Chilterns Area of Outstanding Natural Beauty (AONB), wherein Policy CS24 of the Dacorum Borough Core Strategy (2013) notes that new development should conserve the special qualities of the AONB and should not detract from its skyline.

9.4 In light of the above policies, the proposal for the retention of existing fencing within the residential area of Tring is acceptable in principle, provided that it does not detract from the character and appearance of the surrounding area or wider AONB. The proposals' impact on the surrounding area and wider AONB has been considered in more detail in the section below.

Quality of Design / Impact on Visual Amenity

9.5 The NPPF (2019), Saved Appendix 7 of the Local Plan (2004), Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013) seek to ensure that new development respects adjoining properties in terms of layout, scale, height, bulk and materials.

9.6 The site falls within the Chilterns Area of Outstanding Natural Beauty wherein new development is expected to conserve the special qualities of the AONB and should not detract from its skyline. Furthermore, the site also falls within the TCA13: New Mill West Character Area Appraisal whereby means of enclosure are strongly discouraged. This policy does however go on to note that *'proposals for the enclosure of front areas or walls over 1m in height will not normally be permitted.'*

9.7 The application seeks retrospective planning permission for the retention of the existing fencing, positioned to the front of the main house. Constructed from timber posts and timber gravel board planks, the fencing projects approximately 5.9m deep from the front elevation, and 2.1m to the side, partially enclosing the front garden. Though following the boundary of the front garden,

which is noted to be uneven, sloping downwards, the existing fencing is modest in height, measuring 1m at its highest point.

9.8 The existing fencing is visible within the streetscene, by virtue of its positioning. Though the Town Council and local residents have raised concerns that the fencing conflicts with the open plan layout of Bulbourne Court, it is not considered that the existing development appears incongruous within the cul-de-sac, given that numerous properties within the immediate area comprise closed, defined front boundary treatment considered to be more dominant and bulky than that proposed under the current application.

9.9 For example, upon entering Bulbourne Court, the 1m high front boundary brick wall of 1 Bulbourne Court is visible. In addition to this, it is noted that high trees and shrubs measuring between 1-4m high front properties 37 and 39 Bulbourne Court, and that planning permission was granted under application 4/03002/15/RET for the retention of timber picket fencing at 21 Bulbourne Court, measuring 1.2m high and comprising a trellis section that measures 1.8m high.

9.10 Whilst it is noted that the TCA13: New Mill West Character Area Appraisal aims to strongly discourage means of front enclosure, the examples of front enclosure referenced above demonstrate that a precedence has been set for this form of development along Bulbourne Court. In light of this, and taking into account the modest scale and material finish of the existing fencing in relation to the above examples, it is considered that the existing fencing satisfactorily assimilates into the landscape of Bulbourne Court, and does not detract from the special qualities of the AONB or its skyline.

9.11 Although it is noted that permitted development rights have been removed from properties along Bulbourne Court, permitted development rights set out under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, enable householders to install a 1m high fence fronting the highway without requiring formal planning consent. Given that the existing fencing proposed for retention under the current application would accord with this height guidance, it can reasonably be considered a subordinate addition to the main house, causing nominal harm to the openness and outlook of the surrounding area.

9.12 Given the above assessment, the proposal is considered to be acceptable in design terms, noting that the existing fencing is not considered to detract from the character and appearance of the existing dwelling, streetscene or wider AONB. As such, the proposal accords with Policies CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013), Saved Appendix 7 of the Local Plan (2004), the TCA13: New Mill West Character Area Appraisal and the relevant sections of the NPPF (2019).

Impact on Residential Amenity

9.13 The NPPF (2019) outlines the importance of planning in securing good standards of amenity for existing and future occupiers. Furthermore, Saved Appendix 3 of the Local Plan (2004) and Policy CS12 of the Core Strategy (2013) seek to ensure that new development avoids visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to surrounding properties.

9.14 Given the nature, positioning and scale of the proposal, it is not considered that the existing fencing has any adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy to neighbouring properties. As such, the proposal accords with Policy CS12 of the Core Strategy (2013), Saved Appendix 3 of the Local Plan (2004) and the relevant sections of the NPPF (2019).

Response to Neighbour Comments

9.15 Seven objections have been received in relation to the proposal, with local residents raising concerns that the existing fencing is out of keeping with the open plan layout of neighbouring properties along Bulbourne Court and is of poor design. Additional concerns have also been raised that the granting of formal planning permission for the current application would establish a precedence for enabling the installation of additional front boundary fencing within the immediate area.

9.16 These concerns have been considered and addressed during an earlier section of the report.

Community Infrastructure Levy (CIL)

9.17 Policy CS35 of the Core Strategy (2013) requires all developments to make appropriate contributions towards infrastructure required to support the development. These contributions will normally extend only to the payment of CIL where applicable. The Council's Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1st July 2015. The application is not CIL liable.

10. CONCLUSION

10.1 The application is recommended for approval.

10.2 The proposed development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). Though concerns have been raised that the existing fencing is of poor design and out of keeping with the open plan layout of neighbouring properties along Bulbourne Court, the development proposed under the current application is not considered to appear incongruous within the cul-de-sac, given that numerous properties within the immediate area comprise closed, defined front boundary treatment, (i.e. 1 Bulbourne Court, 37-39 Bulbourne Court and 21 Bulbourne Court). Furthermore, given the modest scale, height and timber finish of the existing fencing, the development proposed for retention under the current application is considered to satisfactorily assimilate into the landscape of Bulbourne Court, and wider AONB.

10.3 Furthermore, given the scale, positioning and nature of the development, it is not considered that the existing fencing has any adverse impacts on the residential amenity of neighbouring properties by being visually overbearing or resulting in a significant loss of light or privacy. Given all of the above, the proposal complies with the National Planning Policy Framework (2019), Policies CS1, CS4, CS11, CS12 and CS24 of the Dacorum Borough Core Strategy (2013), Saved Appendices 3 and 7 of the Local Plan (2004), the TCA13: New Mill West Character Area Appraisal (2004) and the relevant sections of the NPPF (2019).

11. RECOMMENDATION

11.1 That planning permission be granted subject to the following conditions:

Condition(s) and Reason(s):

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990, as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

**Site Location Plan
Proposed Plan - Dimensions of Fence/Enclosure**

Reason: For the avoidance of doubt and in the interests of proper planning.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Canal & River Trust	No comment.
Tring Town Council	Tring Town Council recommends refusal of this application. The erected fence is completely out-of-keeping with the clear frontage along the terrace. The merit of such clear lines is reflected by the fact that when developed the terrace was made subject to a covenant prohibiting enclosure.

APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
2	8	1	7	0

Neighbour Responses

Address	Comments
37 Bulbourne Court Tring Hertfordshire HP23 4TP	<p>I wish to object to the retention of the enclosure/fence at 33 Bulbourne Court.</p> <p>I objected to the fence at 21 Bulbourne Court as I was concerned that if this fence was permitted, it would lead to other properties following suit and enclosing their gardens in whatever method they wished.</p> <p>Hey presto...this is what is happening. This fence at 33 is both badly designed and conflicting to the original design of the close which was open plan gardens providing a pleasant, safe and neighbourly environment.</p>

	<p>The rustic ranch style of the fence is a total contradiction to the design of the close. It is more in keeping for the enclosure to a pasture not the garden to a mid 1980s end of terrace house.</p> <p>While I still object to the enclosure of gardens at Bulbourne Court I do consider that permission that was granted for number 21. I feel that in this case, the applicant should at least have considered replicating the design of the picket fence at number 21 rather than erecting something that is unsightly and rather shoddy.</p>
	<p>Whilst the fence is modest, I do think this is unacceptable. If accepted then as a principal I believe every house on that row could erect similar fences. This could ruin the appearance of the cul-de-sac. Further my understanding is that precisely this concern was raised when the development was originally conceived, supporting my view that the proposal is out of keeping.</p>
<p>29 Bulbourne Court Tring Hertfordshire HP23 4TP</p>	<p>One of the reasons for buying my house were the pretty open front gardens. Shortly after moving in I asked my neighbours if I could make my garden blend with theirs. Grey slate and shrubs. The 3 gardens looked lovely.</p> <p>However recently a new neighbour has erected a dreadful ramshackle fence which ruins my outlook from my lounge.</p> <p>I did not think this was allowed. HM Land Registry Conveyance Stevenage. District Land registry August 7th 1984 states no wall, fence, gate or hedge screen is allowed between properties.</p> <p>This dreadful erection went up without any consideration for or consultation with the neighbours.</p> <p>There is 1 fenced off garden for a dog owner without a back garden. This seems reasonable.</p> <p>Not very good with technology so hope you get this?</p>
<p>27 Bulbourne Court, Tring, Herts, HP23 4TP</p>	<p>For a front garden, I feel that it looks like a stock fence, than a small garden fence at the front of our small houses. Most of the houses in Bulbourne Court have no fence at the front, and if they do it is of smaller and lighter construction.</p>
<p>35 Bulbourne Court Tring Hertfordshire HP23 4TP</p>	<p>I would like to make the following remarks re the above as I do not agree with its erection.</p> <ul style="list-style-type: none"> - it is not in keeping with the area as should be open plan. - it serves no purpose - it is very unattractive and does not enhance the neighbourhood
<p>31 Bulbourne Court Tring Hertfordshire HP23 4TP</p>	<p>I would like you to take the issues below into account in deciding this application</p> <p>HM Land Registry Conveyance issued by the Stevenage District Land Registry August 7th 1984</p> <p>No gate wall fence hedge screen rockery or other erection or structure or means of enclosure of any kind shall be erected or planted or put on the area coloured greenwhich shall forever hereafter remain "OPEN PLAN"</p>

	<p>The Design of this structure is not in keeping with the gardens of Bulbourne court. It would be better suited to a farm as cattle coral.</p> <p>The materials used are rough and untreated , splintery wood and it gives the appearance of a very crude piece of work.</p> <p>The 'fence' was erected without any discussion or thought for the neighbours - many have lived here happily for a long time. This was a complete unpleasant shock.</p> <p>There is absolutely no reason to have this enclosure it serves only to detract from the vista which is to fields and trees and open countryside.</p> <p>(We did have one fence in the court passed at planning in 2015. The owner of the property (21 Bulbourne) as a professional dog minder and it seemed better to have the dogs contained rather than wandering in the court generally. Neighbours generally agreed to this but this should not have set a precedent for further fences.)</p> <p>I look forward to meeting with you nearer to the time and than you for your interest in my concerns.</p>
<p>The Chilterns Conservation Board The Lodge Station Road Chinnor OX39 4HA</p>	<p>24th March 2020 Dacorum Borough Council By portal upload only to Dacorum Borough Council My ref:Applications DBC reference: 20/00566/RET 33 Bulbourne Court Tring Herts for domestic extension and works Thank you for consulting the Chilterns Conservation Board (CCB). I am writing to let you know that the Chilterns Conservation Board will not be commenting on the planning application. The Board recommends that the decision-maker takes into account the following: - The Chilterns AONB Management Plan (http://www.chilternsaonb.org/conservation-board/management-plan.html), which deals with the special qualities of the Chilterns and the development chapter notes that 'the attractiveness of the Chilterns' landscape is due to its natural, built and cultural environment. It is not a wilderness but countryside adorned by villages, hamlets and scattered buildings'. A new Management Plan was approved in February 2019 and some key policies from the Development chapter are set out below, which we hope will be of assistance. - The Chilterns Buildings Design Guide and Supplementary Technical Notes on Chilterns Building Materials (Flint, Brick and Roofing Materials) (of the Chilterns AONB http://www.chilternsaonb.org/conservation-board/planning-development/buildings-design-guidance.html) The new Chilterns AONB Management Plan 2019-2024 was adopted in February 2019 and may be a material consideration when assessing planning applications (as set out in Government's PPG para 040 on the Natural Environment). The planning objectives in the Management Plan are DO1 Ensure planning decisions put the conservation and enhancement of the AONB first.</p>

DO2 Ensure that where development happens, it leaves the AONB better than it was before - richer in wildlife, quieter, darker at night, designed to have a low impact on the environment, and beautiful to look at and enjoy.

2

DO3 Embrace opportunities to restore natural beauty on sites currently degraded by unsympathetic development, infrastructure or dereliction.

A number of detailed Chilterns AONB Management Plan policies deal with key principles that may apply to Development proposals.

DP1 Ensure planning decisions take full account of the importance of conserving and enhancing the natural beauty of the AONB and the great weight given to its protection in the NPPF.

DP2 Reject development in the AONB unless it meets the following criteria:

- a. it is a use appropriate to its location,
- b. it is appropriate to local landscape character,
- c. it supports local distinctiveness,
- d. it respects heritage and historic landscapes,
- e. it enhances natural beauty,
- f. ecological and environmental impacts are acceptable,
- g. there are no detrimental impacts on chalk streams,
- h. there is no harm to tranquillity through the generation of noise, motion and light that spoil quiet enjoyment or disturb wildlife, and
- i. there are no negative cumulative effects, including when considered with other plans and proposals.

DP7 Only support development that is of the highest standards of design that respects the natural beauty of the Chilterns, the traditional character of Chilterns vernacular

buildings, and reinforces a sense of place and local distinctiveness.

Require a Design

and Access Statement to accompany every application, explaining how it complies

with the Chilterns Buildings Design Guide
[www.chilternsaonb.org/conservationboard/
planningdevelopment/buildings-design-guidance](http://www.chilternsaonb.org/conservationboard/planningdevelopment/buildings-design-guidance)

DP8 Keep skies dark at night by only using light where and when needed. All new lighting

should be the minimum required and meet or exceed guidance for intrinsically dark

zones. Avoid architectural designs that spill light out of large areas of glazing.

The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK.

Public bodies and statutory undertakers have a statutory duty of regard to the purpose of

conserving and enhancing the natural beauty of the AONB (Section 85 of CroW Act).

	<p>The Chilterns Conservation Board is a body that represents the interests of all those people that live in and enjoy the Chilterns AONB. Should you require any further information please do not hesitate to contact me.</p>
7 Bulbourne Court, Tring, Hertfordshire HP23 4TP	<p>Fencing in of properties seems to have become a norm on the Court. Unfortunately the original planning for the Court was for open gardens, the idea to improve the limited space within the development and make it seem larger than it actually is. Fencing in of individual properties has had the opposite effect and indeed anyone who has fenced their property border alongside the road line has in fact totally removed the ability for pedestrians to take evasive action should a car drive to close to them whilst passing that property. Obviously the current owner wishes to enclose the whole of the property, which to be frank has been carried out in a shoddy fashion, I could probably do better job using timber pallets!</p>