

**4/03768/15/FUL - CHANGE OF USE FROM AMENITY LAND TO RESIDENTIAL (C3)  
AND ERECTION OF CLOSE BOARDED FENCE.  
LAND ADJ THE OLD FORGE, 54 HIGH STREET, TRING, HP23.  
APPLICANT: MRS J BISHOP.**

---

[Case Officer - Martin Stickley]

### **Summary**

The application is recommended for approval.

The principle of residential development is considered acceptable in the sites location within a residential area. The original scheme conflicted with the aims of the Long Marston Conservation Area (Policy CS27 of the Dacorum Core Strategy (September 2013) and saved Policy 120 of the Dacorum Borough Local Plan 1991-2011 (DBLP)). However, after several amendments, the scheme is now considered acceptable.

The proposed works would not have any adverse impact on the appearance of the dwelling and would not significantly detract from the street scene. The development would not have a detrimental impact on the amenity of neighbouring properties. The access and car parking is deemed satisfactory. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Policies CS4, CS11, CS12 and CS27 of the Core Strategy and saved Policies 58 and 120, and saved Appendices 5 and 7 of the DBLP.

### **Site and Surroundings**

The application relates to a strip of council owned amenity land between a public car park and the property known as The Old Forge, 54 High Street, Tring. The property is partially screened by a mature hedgerow that runs along the strip of land. A gate to the south provides access to the strip of land and one may well assume that the land forms part of the residential curtilage of the property. To the north of the site lies Forge Cottage and to the south, Tring High Street.

### **Proposal**

The applicant is seeking to incorporate a strip of amenity land into their private garden. As such, a change of use from amenity space to residential is required. A new close boarded fence will be located to the rear (north), matching the existing fence like-for-like.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Tring Rural Parish Council, and the fact that the land is owned by DBC.

### **Planning History**

4/00423/11/TC WORKS TO TREES

A

Raise no objection  
27/04/2011

## **Relevant Policy**

### National Planning Policy Guidance

National Planning Policy Framework (NPPF)

### Dacorum Core Strategy 2006-2031

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS10 - Quality of Settlement Design  
CS11 - Quality of Neighbourhood Design  
CS12 - Quality of Site Design  
CS27 - Quality of the Historic Environment

### Dacorum Borough Local Plan 1991-2011

Policy 120 - Development in Conservation Areas

## **Summary of Representations**

### Conservation & Design

No issues with this one except there doesn't appear to be any indication of the height of the close boarded fence – so worth asking for details on this.

### Hertfordshire Right of Way

There is no definitive right of way adjacent to the above so no comments.

## **Considerations**

### Policy and Principle

Amenity spaces and greens are defined in the Development in Residential Areas Supplementary Planning Guidance as "small areas of open undeveloped land within residential areas which may be space for landscaping, grassed verges or areas, or play space." They do not qualify as areas of structural open land, the purpose of which is to maintain the generally open character in towns and villages as set out in Policy CS4 and further defined in Policy 116 of the Local Plan as open land forming part of the urban structure which can be public or private open land.

The Dacorum Green Space Strategy 2011-2016 (January 2011) includes all publicly accessible green space and defines amenity green space as "areas providing opportunity for recreation close to home and/or providing a visual break in the urban environment. These areas are unlikely to include significant facilities but may be used frequently for play or informal ball games." Amenity green space located in Wigginton is not specifically identified in the Green Space Strategy.

This area of land is currently enclosed and unused. It is not felt that this piece of land positively contributes to the openness or visual amenity of the area. It is mostly hidden behind the existing hedgerow and the surrounding urban development. Furthermore,

the area does not provide enough space for outdoor recreation.

Policy CS4 of the Core Strategy states that in residential areas appropriate residential development is encouraged. The application site is located within an established residential area within Tring. The proposed change of use would not raise any policy objections.

#### Impact on the Open Space Character and Appearance of the Immediate Area

The main consideration is the impact on the open space character through the loss of a strip of land. As outlined above, the piece of land does not contribute towards the open space character of the area. Although the hedge does positively contribute to the appearance of the immediate area, it does not merit protection and therefore the application would not warrant a refusal in this respect.

Although the realigned boundary may create some disruption to the pattern and appearance of the street scene, the strip is small and narrow and it is considered that this will be minimal. Furthermore, the open space character of the area is not considered to be adversely affected by the proposals due to the small size of the strip bounded by residential curtilages and a public car park.

In summary, the proposal would not detract from the open space character and appearance of the street scene. The proposal is therefore in accordance with Policy CS4 of the Core Strategy.

#### Impact on Neighbouring Properties

The proposed boundary fence is located within close proximity to 'Forge Cottage', a residential dwelling. The residents at this property were concerned with the replacement fence. In an email dated 1 October they stated *"at the moment the pathway runs into our garden through a 1.7m high close-boarded barrier we erected many years ago (labelled A-B in the amended plans). This is attached to our boundary fence panels of the same height fronting the car park shown at point A, and to the existing wall shown at point B; the wall is 1.8m high on our side, but labelled as only 1.5m on the plans"*

The plans were amended and the fence height was altered to match the dimensions of the existing fence. The neighbour was satisfied with the amendments.

RECOMMENDATION - That planning permission be **GRANTED** subject to the following conditions:-

- 1 **The development hereby permitted shall be begun 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 materials to be used in the construction of the boundary treatment hereby permitted shall match in size, colour and materials as those**

**used on the existing boundary treatment.**

Reason: To ensure a satisfactory appearance to the development and to accord with Policy CS12 of the Dacorum Borough Core Strategy.

**3 The development hereby permitted shall be carried out in accordance with the following approved plans:**

Site Location Plan - no reference (received 06-Oct-2015)

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

**Article 35 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) Order 2015.