

**4/02278/15/FHA - BOUNDARY FENCING AND ASSOCIATED LANDSCAPING.  
6 KILN CLOSE, POTTEN END, BERKHAMSTED, HP4 2PX.  
APPLICANT: Mrs Williams.**

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[Case Officer - Martin Stickley]

### **Summary**

The application is recommended for approval.

The principle of residential development is considered acceptable in the site's location within a residential area. The original scheme had a detrimental impact on the character and appearance of the streetscene, conflicting with Policies CS11 and CS12 of the Dacorum Borough Core Strategy. 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 seriously detract from the streetscene. The development would not have a detrimental impact on the amenity of neighbouring properties. The proposal would not have a detrimental impact on road safety. Therefore, the proposal is acceptable in accordance with the aims of the National Planning Policy Framework; Manual for Streets; Policies CS4, CS11 and CS12 of the Core Strategy and saved Appendix 7 of the Dacorum Borough Local Plan.

### **Site and Surroundings**

The application property comprises the ground floor flat of a modest two-storey red brick property located within the Kiln Close development, Potten End. The dwelling has a hipped roof with slate tiles and a first floor bay window on the eastern flank elevation. There is a detached double garage on the left hand side with a pitched roof. Number 6 owns the garage unit on the right hand side, whilst No. 7 (first-floor flat) owns the garage on the left hand side.

It should be noted that certain permitted development rights were removed in the original planning application for Kiln Close (4/02166/00/FUL), including the erection of fences, gates and walls. The exact wording is listed below.

*"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within the following Classes of the Order shall be carried out without the prior written approval of the local planning authority:*

*Schedule 2 Part 1 Classes A, B, C, D and E;  
Part 2 Classes A and B.*

*Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality."*

### **Proposal**

The proposal relates to the retention and slight relocation of boundary fencing. The proposed strip of fencing forms a U-shape and is 1.8m in height. The central part of the fencing will be set back from the highway by one metre. The left-most and right-most

panels will be angled so that they reach a depth of 1.5m from the highway. Planting is offered to soften the image of the fencing on the streetscene.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Nettleden with Potten End Parish Council.

### **Planning History**

4/00137/06/FHA SINGLE STOREY SIDE EXTENSION AND GARAGE CONVERSION  
Granted  
05/04/2006

### **Relevant Policy**

#### **National Planning Policy Guidance**

National Planning Policy Framework (NPPF)

#### **Dacorum Borough 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

#### **Dacorum Borough Local Plan 1999-2011**

Saved Appendix 7 - Small-Scale House Extensions

#### **Supplementary Guidance**

Manual for Streets (MfS)  
Dropped Kerb Guidance Note

### **Summary of Representations**

#### **Local Residents**

##### **2 Kiln Close, Potten End, Berkhamsted, HP4 2PX**

As resident at no 2 Kiln Close, I'm sending you this mail in objection to the above reference for the retrospective planning application for the replacement 6ft fence around the boundaries to properties no 6 & 7. The new brown fence erected is in direct view of my property. Hitherto the frontage of all properties in the Close have had a natural open landscaped appearance which greatly contributes to the beauty of this residential area. The new re-positioned fence is not in keeping with the rest of Kiln Close properties.

##### **3 Kiln Close, Potten End, Berkhamsted, HP4 2PX**

As a resident of Kiln close, I do most strongly object to this fence and its location, it contravenes the original close development planning application, of an open frontage for all premises, the danger to traffic and much more importantly pedestrians and children, due to vehicles moving off the drives of number 5, 6, and 7, that are and will be completely unsighted. I would therefore ask the Planning department to reject this revised proposal, as this latest revised proposal of moving the fence back 1-0 metre comes nowhere close to addressing the problems outlined, particularly safety, which should be top priority in the councils consideration.

#### 7 Kiln Close, Potten End, Berkhamsted, HP4 2PX

This new fence is along the whole length and right on the edge of my drive. My view of the road as I reverse is now blocked. Also turning out is difficult as the fence has been moved over and covers a strip of ground which before gave me room to swing out to the road. This situation is causing my great distress as I am now worried about an accident. The fence is very much out of place in this development and against restrictions placed to guard against such an erection. Other residents of Kiln Close feel strongly that this fence is not suitable in our green, open development.

#### 8 Kiln Close, Potten End, Berkhamsted, HP4 2PX

My main issue is the safety concerns for both pedestrians and drivers but in addition the fence and removal of the tree have impacted the aesthetics of Kiln Close. You used to drive round to see a beautiful tree and now are met with a half painted fence and serious safety concerns. There is another part in the close that keeps to the open green natural aspect of the close that was put in place by the original developer and it's a shame that this compromises this ambiance.

#### 9 Kiln Close, Potten End, Berkhamsted, HP4 2PX

As residents of Kiln Close since it was built we do everything we can as a neighbourhood to keep the Close as it was intended to look, sadly the unsightly fence and removal of a very big lovely tree has had a significant effect upon entering our Close. The fence we feel should be back in line with no.5 so at least no.7 could get in and out of her drive safely.

#### 10 Kiln Close, Potten End, Berkhamsted, HP4 2PX

The fence now drastically damages the look and feel of Kiln Close and has increased the risk of accidents to other vehicles, pedestrians, children and animals. The look of the road and safety of the road is what is treasured by all of its residents and I strongly urge you to reject the permission.

#### 12 Kiln Close, Potten End, Berkhamsted, HP4 2PX

I strongly object to this application on the following grounds: Health and Safety; Visual Appearance, Suitability and Impact on Visual Amenity

#### 7 Chestnut Close, Potten End, Berkhamsted, HP4 2QL

I am a next door neighbour of Mrs Williams and I strongly support the Application. I

have to say that I am very surprised that an application is necessary for this replacement.

## **Consultees**

### Hertfordshire Highways

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

#### Highway Comment

HCC road hierarchy states that Kiln Close does not form part of the adopted public highway. As Kiln Close is a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways at the junction of Water End Lane.

#### Comments on amended scheme

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

The above amended plan shows the close boarded fence now set back from the kerb face by 1m. This would help with inter-visibility to all that use this private road. However, HCC road hierarchy states that Kiln Close does not form part of the adopted public highway. As Kiln Close is a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the improved proposal will not have an unreasonable impact on the safety and operation of the adjoining highways at the junction of Water End Lane.

#### Final comments

The latest amended plans submitted on behalf of the above application to enclose the front garden area, now show the corner arrangements with the fence set back 1.5m which is assumed will further aid inter-visibility when leaving the parking spaces. The plans are not too clear but the highway authority believes that the rest of the close boarded fence will still be set back from the kerb face by 1m. This again would help with inter-visibility to all that use this private road. However, HCC road hierarchy states that Kiln Close does not form part of the adopted public highway. As Kiln Close is a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the improved proposal will not have an unreasonable impact on the safety and operation of the adjoining highways at the junction of Water End Lane.

### Nettleden/Potten End Parish Council

Strongly object (visibility is greatly impaired for No. 7).

#### Comments on amended scheme

The Parish Council continues to support the residents in this matter and strongly objects to this planning application.

### **Considerations**

The main issues of relevance to the consideration of this application relate to the impact of the works upon the character and appearance of the dwelling and the streetscene in accordance with Policies CS4, CS11 and CS12 of Dacorum's Core Strategy and saved Appendix 7 of the Dacorum Borough Local Plan (DBLP). Other issues of relevance relate to the impact on road safety and the impact on neighbouring properties.

#### **Impact on Appearance of Building and Streetscene**

Saved Appendix 7 of the Local Plan, Policies CS11 and CS12 of the Core Strategy, and the NPPF all seek to ensure that new development/alterations respect or improve the character of the surrounding area and adjacent properties in terms of scale, materials, layout, bulk and height. The Kiln Close development appears to have been designed with a number of small areas of green/open land fronting the highway to soften the image of the dwellings within the close. In my view, these green, open areas are important to defining the relationship between the built form of the houses and the surrounding area. The provision of subdividing elements undermines these aims and objectives. Although there are numerous green areas around the site, a large proportion have installed means of enclosure (be it small fences, hedgerows or other mature vegetation), many of which are set back from the road by approximately 1-2 metres. This should be taken into account.

The original scheme proposed to retain a 1.8m fence directly next to the highway. It was felt that sectioning off the area of green open land would have had a negative impact on the streetscene. The road has a feeling of openness and it would be detrimental to the appearance of the streetscene if this was lost. Furthermore, the retention of the existing fencing would have disrupted the open space verges located along Kiln Close to some degree. Policy CS11 states that "*development should preserve attractive streetscapes and enhance spaces between buildings and general character.*" It is viewed that the original scheme would not have enhanced the area but caused some disruption to the pattern and appearance of the streetscene and surrounding area.

The original scheme sought planning permission for the retention of a 1.8m fence right next to the highway. The applicant was approached early in the determination period and it was suggested that an amended scheme was submitted to move the fencing away from the highway by 1-2m and include some planting to soften the proposal on the streetscene, as seen directly opposite the site. The amended scheme has moved the 1.8m fence by one metre (1.5m at the corners) and introduced some planting, which, if approved, would be secured by condition. It should be noted that the applicant is well within her rights to plant fast-growing hedges or other vegetation directly next to the highway to enclose her land. The fence would effectively be doing the same thing, however, due to its amended position and the installation of low-lying vegetation, the proposal would retain the open feeling of the street more-so than large hedgerows right next to the road. Furthermore, the set-back position of the fence would improve visibility for pedestrians and road users. Considering this and considering the other

types of enclosure around Kiln Close, it is felt that the proposal is a reasonable compromise and would integrate satisfactorily within the streetscape character in accordance with Policies CS4, CS11 and CS12 of the Dacorum Borough Core Strategy and saved Appendix 7 of the DBLP.

### Impact on Amenity of Neighbours

Consideration has been given to the impact that the proposal would have on the adjoining neighbours. Policy CS12 states that regarding the effect on the amenity of neighbours, development should avoid visual intrusion, loss of light and loss of privacy. The application has received a number of objections (see above). The main issues of concern are listed and addressed below.

- Negative impact on visual amenity/appearance of the street.

Issues regarding the visual impact on the streetscene have been discussed in the section above (Impact on Appearance of Building and Streetscene). It is felt that the proposal would integrate satisfactorily within the streetscene.

- Impact on road safety; risk of accidents.

The fencing is quite high but brought back from the road. A number of neighbours have commented negatively on the application with regards to highway and pedestrian safety. This will be discussed in the next section (Impact on Road Safety).

With regards to the impact on the amenity of neighbours, the proposal is deemed acceptable in accordance with Policy CS12 of the Dacorum Borough Core Strategy.

### Impact on Road Safety

Kiln Close is a private road and Hertfordshire Highways do not have any jurisdiction over it. Therefore, the Highways Department would not provide full guidance on the proposal. However, they did state that *"proposal will not have an unreasonable impact on the safety and operation of the adjoining highways at the junction of Water End Lane."* It was felt that due to the number of objections regarding road safety, further guidance should be sought.

The following extract has been copied from the Department for Transport's 'Manual for Streets (MfS)' (pages 95-96).

*"The provision of frontage vehicle access onto a street should be considered from the viewpoint of the people passing along the street, as well as those requiring access. Factors to consider include:*

- *the speed and volume of traffic on the street;*
- *the possibility of the vehicles turning around within the property – where this is possible, then vehicles can exit travelling forward;*
- *the presence of gathered accesses – a single access point can serve a number of properties or a communal parking area, for example. This may be acceptable where a series of individual accesses would not be;*
- *and the distance between the property boundary and the carriageway – to*

*provide adequate visibility for the emerging driver.*

*The relationship between traffic flow and road safety for streets with direct frontage access was researched for MfS. Data on recorded accidents and traffic flow for a total of 20 sites were obtained. All of the sites were similar in terms of land use (continuous houses with driveways), speed limit (30 mph) and geometry (single-carriageway roads with limited side road junctions). Traffic flows at the sites varied from some 600 vehicles per day to some 23,000 vehicles per day, with an average traffic flow of some 4,000 vehicles per day. It was found that very few accidents occurred involving vehicles turning into and out of driveways, even on heavily-trafficked roads."*

The MfS advises that there would be an extremely low risk for accidents in a road like Kiln Close. The Hertfordshire Highways 'Dropped Kerb Guidance' was also examined with regards to visibility splays. It mentions that *"if you have a footway outside your property, must also have clear visibility of on-coming pedestrians."* The site does not front a footway. However, vehicle visibility should still be considered, as well as the potential for pedestrian use of the road. Following the Hertfordshire Highways guidance note, the proposal would maintain a reasonable visibility splay for the neighbouring driveways. Any slight obstruction caused by the fence may even lead to neighbouring properties leaving their driveways in a more cautious manner. Considering this and considering the guidance in MfS stating that there would be a minimal risk of accident, a refusal on highway safety terms could not be sustained.

The Hertfordshire Highways 'Dropped Kerb Guidance' also mentions that *"low level planting is OK, but nothing that grows above 0.6m high, so that you are able to see a small child."* If approved, an advisory note would be attached to the decision notice to inform the applicant about this safety requirement.

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 development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings.**

Reason: To ensure a satisfactory appearance to the development in accordance 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:**

**6KC-01(A)**  
**6KC-02(A)**  
**6KC-03(A)**  
**6KC-04(A)**

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

- 4 **If within a period of five years from the date of this permission any planting approved in accordance with condition 3 is removed, uprooted, destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), a replacement of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the residential amenity of surrounding properties in accordance with Policy CS12 of the Dacorum Borough Core Strategy.

### **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) (England) (Amendment No. 2) Order 2012.

### **Advisory Note**

#### Landscaping

The proposed planting should not grow above 0.6m high to ensure that visibility is not compromised for neighbouring residents.