

**ITEM NUMBER: 5e**

<b>23/00807/FHA</b>	<b>Installation of trellis fencing and two gates.</b>	
<b>Site Address:</b>	<b>22 Ashlyns Road Berkhamsted Hertfordshire HP4 3BN</b>	
<b>Applicant/Agent:</b>	<b>Ms Rosalind Boreham</b>	
<b>Case Officer:</b>	<b>Heather Edey</b>	
<b>Parish/Ward:</b>	<b>Berkhamsted Town Council</b>	<b>Berkhamsted West</b>
<b>Referral to Committee:</b>	<b>Contrary View of Parish Council</b>	

**1. RECOMMENDATION**

That planning permission be **GRANTED** subject to conditions.

**2. SUMMARY**

2.1 The development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). Whilst significant in terms of their height and length, on balance, it is considered that the proposed new gates and trellis fencing are acceptable in this instance, given that they comprise an open nature, have been sympathetically sited and designed to respond to existing ground levels and are visually softened in appearance by way of the existing and proposed soft planning. Consideration has also been given to the unique character of Ashlyns Road, and to the fact that front means of enclosure are openly encouraged in this area.

2.2 Given the scale and nature of the development, it is not considered that the new gates and fencing would adversely affect the residential amenity of neighbouring properties by way of being visually overbearing or resulting in a significant loss of light or privacy. The development does not involve any changes to the existing parking arrangements or generate the requirement for additional off-street car parking provision. Furthermore, it is not considered that the development adversely affects the safety and operation of the adjacent highway, and as such, no concerns are raised in this regard. The Highways Authority were also consulted in relation to this element of the scheme and raised no objections on highway or pedestrian safety grounds.

Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), the BCA10: Ashlyns Character Appraisal Area (2004) and Saved Appendix 3 of the Local Plan (2004).

**3. SITE DESCRIPTION**

3.1 The application site comprises a large two storey detached dwellinghouse, with single storey detached garage, situated off Ashlyns Road within a designated residential area of Berkhamsted. Whilst the property and garage are positioned set back from the highway, the site occupies a prominent corner plot, and is sited following a steep rise in ground levels. A set of steps have been installed to the front of the dwelling, facilitating access to and from the property.

3.2 The property is served by a single area of private amenity space to the side of the dwelling.

**4. PROPOSAL**

*Previous History*

4.1 In order to retain a degree of privacy and facilitate the use of the private amenity space to the side of the dwelling, former occupants of the site installed 1.8m high post and rail fencing along the front site boundary, to the rear of the existing grass highway verge. Whilst retrospective application

19/03171/RET was submitted to regularise these additions, this application was withdrawn in light of objections raised by the Highways Authority and previous Case Officer. In particular, the Highways Authority raised objections on the grounds that the additions extended across highways owned land, (and that incorrect notice had therefore been served), and that the fencing, (by reason of its solid form, height and siting), adversely impacted upon the safety and operation of the adjoining highway network. Similar concerns were also echoed by the previous Case Officer, who raised objections to the fencing on the grounds that the addition appeared a visually stark and prominent addition, therein detracting from the character and appearance of the street scene. These additions have since been removed.

### *Current Application*

4.2 Planning permission is sought for the installation of two new timber gates with cut out detailing, (measuring 1.8m high and 2m wide), and the installation of new trellis style fencing, extending the full length of the front of the site.

## **5. PLANNING HISTORY**

### Planning Applications (If Any):

19/03171/RET - Retrospective planning application for replacement of post and rail fencing on the south east elevation with a 6ft close board fence and erection of a garden structure (pergola) within 1m of the highways boundary  
*WDN - 21st January 2021*

22/02874/FHA - Installation of trellis fencing and a front entrance gate  
*WDN - 9th February 2023*

23/00160/FHA - Installation of trellis fence and gates 1.4m to 1.8m high  
*WDN - 22nd March 2023*

4/02062/11/FHA - Detached double garage with ancillary accommodation in roof space (amended scheme)  
*GRA - 4th January 2012*

4/01580/11/FHA - Detached double garage with ancillary accommodation in roof space  
*WDN - 8th November 2011*

4/00350/10/LDP - Single storey side extension and loft conversion  
*GRA - 22nd April 2010*

### Appeals (If Any):

## **6. CONSTRAINTS**

BCA Townscape Group

CIL Zone: CIL1

Parish: Berkhamsted 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 (Berkhamsted)

Residential Character Area: BCA10

Parking Standards: New Zone 3

EA Source Protection Zone: 2

EA Source Protection Zone: 3

Town: Berkhamsted

## **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 (2021)

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

CS8 – Sustainable Transport

CS11 - Quality of Neighbourhood Design

CS12 - Quality of Site Design

CS29 - Sustainable Design and Construction

Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards (2020)

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

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice (2022)

## **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;

The impact on residential amenity; and

The impact on highway safety and car parking.

### Principle of Development

9.2 The site is situated within a designated residential area of Berkhamsted, 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, encouraging the construction of new development in these areas. Furthermore, Policy CS4 of the Dacorum Borough Core Strategy (2013) states appropriate residential development is encouraged in residential areas.

9.3 In light of the above policies, the proposed development, (i.e. installation of a new front entrance gate and trellis fencing), is acceptable in principle.

#### Quality of Design / Impact on Visual Amenity

##### *Policy*

9.4 The NPPF (2021) states that planning policies and decisions should ensure that new development is sympathetic to local character and history, including the surrounding built environment and landscape setting. Furthermore, 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.

9.5 The site falls within the BCA10: Ashlyns Character Appraisal Area (2004). This document characterises the area as comprising detached houses of mixed architectural styles and designs, informally laid out and comprising front gardens/forecourts enclosed by a variety of means. This document goes on to provide specific guidance for new means of enclosure, stating that the enclosure of front areas in this area is acceptable.

##### *Assessment*

9.6 In light of the objections raised by the Highways Authority and previous Case Officer under application 19/03171/RET, the Applicants submitted an application for pre-planning advice in order to engage with the Local Planning Authority to discuss alternative schemes for achieving new fencing on the site. As part of these discussions, the Applicants were advised that significant amendments would need to be made to both the scale/height of the fencing and its solid form in order to ensure that the new fencing and associated gates do not appear overtly prominent additions to the site. Furthermore, given that the property retain its permitted development rights to install new means of enclosure, (i.e. including new 1m high fencing/gates of solid form opposite the highway), under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it was advised that this be considered a starting point for a future scheme.

9.7 Following these discussions, the current scheme has been submitted, proposing the installation of two new timber gates with cut out detailing, (measuring 1.8m high and 2m wide), and the installation of new trellis style fencing, extending the full length of the front of the site. The submitted drawings indicate that three panels would be installed at the highest point of the site, (maintaining a maximum height of 1.48m), with further panels to the side of the gate being staggered in height, (i.e. positioned set down approximately 0.3m to reflect steeply falling ground levels).

9.8 The Town Council have raised objection to the scale of the new fencing, stating that these additions are too high and should be revised.

9.9 Whilst considerable by reason of their length, it is considered that the advice issued at pre-application stage has been followed, with the fencing being significantly reduced in height and sympathetically designed to reduce its solid nature. In particular, it is noted that the proposed new fence panels are of 'trellis style', (i.e. comprising regular gaps to reduce their solid form), and that they have been sympathetically sited, (i.e. predominantly comprising a staggered height), in order to reflect steeply falling ground levels.

9.10 In light of this, and noting that these additions would be sited significantly set back from the adjacent highway, (i.e. behind an existing grass verge and front steps, ahead of existing and new soft planting), on balance, it is considered that sufficient amendments have been made to the

scheme to ensure that the new fencing does not form a stark visual barrier, dominating the site and wider street scene.

9.11 As part of their objection, the Town Council have made reference to recent appeal case APP/A1910/D/21/3287227, suggesting that the conclusions made by the Inspector when dismissing the appeal for the retention of 1.9m high replacement fencing and associated piers and gates at 13 Anglefield Road are applicable to the current proposal. The Inspector made the following assessment under this case:

*'The solid form and considerable length of the timber fence and the solidity of the electronic timber gates, coupled with their slightly elevated position to the highway, means that they are significant and prominent features when seen from Anglefield Road. From this highway, the fence and gates draw the eye as a rather stark, solid and formal barriers. As a result, they have an overly imposing presence in the street scene in marked contrast with the more lowkey and informal appearance of the front boundary treatments prevailing along Anglefield Road. For these reasons, the fence and gates are obtrusive and have a deleterious effect on the character and appearance of the local area.'*

9.12 Whilst the proposed fencing would be considerable in form, it is not considered that they would be perceived as visually stark and solid barriers, by reason of their open nature and trellis style form. Furthermore, significant differences exist between ground levels at the application site and those at 13 Anglefield Road. In the appeal case, it is noted that the fencing was significantly higher than the current proposal, (i.e. 1.9m high), and was installed at an elevated position, at the top of a bank that rose steeply from the highway. In light of this, the visual prominence of this fencing was significantly increased, particularly when viewed from the adjacent footpath/highway.

9.13 Conversely, in the current case, it is noted that ground levels are not consistent across the front site boundary, with ground levels falling steeply towards 22A Ashlyns Road. It is considered that the siting and positioning of the new fencing and gates has been carefully considered in this instance, with the staggered height of the fence panels responding to existing ground levels by serving to reduce the visual bulk of the development.

9.14 Specific consideration should also be given to the unique character and context of Ashlyns Road. Whilst properties within the immediate street scene typically comprise low level front means of enclosure, as noted in the BCA10: Ashlyns Character Appraisal Area, properties are enclosed by a variety of means, (i.e. comprising solid boundary walls, fencing and soft landscaping). There is also noted to be significant variety of properties within the immediate street scene, with properties comprising mixed architectural styles and designs.

9.15 In light of the existing street scene character and noting that front means of enclosure are encouraged in this area, on balance, it is not considered that a refusal of the scheme on the grounds of its impact on the character and appearance of the street scene could be justified or sustained.

9.16 Given the above assessment, the proposal is considered to be acceptable on design/visual amenity grounds, according with Policies CS11 and CS12 of the Core Strategy (2013), the BCA10: Ashlyns Character Appraisal Area and the NPPF (2021).

#### Impact on Residential Amenity

9.17 The NPPF (2021) outlines the importance of the planning system 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.

9.18 Given the scale, nature and positioning of the development, it is not considered that the proposal adversely affects the residential amenity of neighbouring properties by being visually

overbearing or resulting in a significant loss of light or privacy. As such, no concerns are raised in this regard.

#### Impact on Highway Safety and Parking

9.19 The NPPF (2021), Policies CS8 and CS12 of the Core Strategy (2013) and the Parking Standards Supplementary Planning Document (2020) all seek to ensure that new development provides safe access and sufficient parking provision for current and future occupiers.

9.20 The proposal does not involve any changes to the existing parking arrangements and does not generate the requirement for any additional off-street car parking provision to be provided. As such, no concerns are raised in this regard.

9.21 The proposal does not involve any changes to the existing site access. Given that the application site occupies a prominent corner plot, and noting that the new fencing and gate would be within close proximity of the existing highway, the Highways Authority were consulted as part of the scheme and asked to assess the proposals' impact on the safety and operation of the existing highway network.

9.22 It is noted that the Highways Authority have raised no objection to the scheme on highway and pedestrian safety grounds, noting that the additions would have no adverse impact on the visibility of vehicles entering and exiting the site, nor on vehicles using the wider highway network.

9.23 The proposal is therefore considered to be acceptable on highway/pedestrian safety and parking grounds, therein according with Policies CS8 and CS12 of the Core Strategy (2013) and the Parking Standards Supplementary Planning Document (2020) and the NPPF (2021).

#### Other Material Planning Considerations

##### *Land Ownership*

9.24 The Highways Authority raised objections under application 19/03171/RET and subsequent withdrawn applications 22/02874/FHA and 23/00160/FHA with respect to land ownership, disputing the Applicants claim that all of the land within the red outline falls within their ownership. The Applicants have since liaised with the Highways Authority directly, and it is understood that this issue has now been resolved, with the red outline being amended. Certificate A has been signed on the submitted application form confirming that the Applicants are the sole owners of the land and the Highways Authority have raised no objection to this.

##### *Stairs*

9.25 Stairs have been installed to the front of the site and across the existing grass verge, facilitating access to and from the property. The Highways Authority have raised objection to these additions on the grounds that they extend over highways owned land and would therefore prejudice the ability of the Highway Authority to provide improvements in the interest of safe or sustainable travel. Given that these additions are contrary to Policies 1, 5 and 7 of the Hertfordshire County Council's Local Transport Plan (Adopted 2018), the Highways Authority have confirmed that this issue will be further pursued by their enforcement team. For the avoidance of doubt, it has been requested that no plans showing the steps be included as part of the list of approved plans.

9.26 The Applicant's have been informed of everything above and have expressed a willingness to remove the existing steps. It is understood that the Applicants' are currently engaging with the Highways Authority and that this issue will be resolved outside of the planning process.

9.27 It is necessary to include a proposed block plan showing the existing step arrangement, (drawing reference NMKH\_02\_01), as part of the list of approved plans in order to confirm the siting of the new gates and fencing on the site. For the avoidance of doubt, it is therefore recommended that an informative be attached to the formal planning consent, confirming that in the event permission is issued, this consent applies solely for the proposed new gates and fencing.

### Response to Neighbour Comments

9.28 No neighbour comments or objections have been received. The Berkhamsted Citizens Association Townscape Group have however raised the following objections to the scheme on the grounds that the fencing is too high, visually intrusive and therefore detrimental to the street scene.

9.29 The impact of the fencing on visually amenity and on the character and appearance of the site and wider street scene has been considered in more detail during an earlier section of the report.

## **10. CONCLUSION**

10.1 The application is recommended for approval.

10.2 The development is considered to be acceptable in principle, in accordance with Policies CS1 and CS4 of the Dacorum Borough Core Strategy (2013). Whilst significant in terms of their height and length, on balance, it is considered that the proposed new gates and trellis fencing are acceptable in this instance, given that they comprise an open nature, have been sympathetically sited and designed to respond to existing ground levels and are visually softened in appearance by way of the existing and proposed soft planning. Consideration has also been given to the unique character of Ashlyns Road, and to the fact that front means of enclosure are openly encouraged in this area.

10.3 Given the scale and nature of the development, it is not considered that the new gates and fencing would adversely affect the residential amenity of neighbouring properties by way of being visually overbearing or resulting in a significant loss of light or privacy. The development does not involve any changes to the existing parking arrangements or generate the requirement for additional off-street car parking provision. Furthermore, it is not considered that the development adversely affects the safety and operation of the adjacent highway, and as such, no concerns are raised in this regard. The Highways Authority were also consulted in relation to this element of the scheme and raised no objections on highway or pedestrian safety grounds.

10.4 Given all of the above, the proposal complies with the National Planning Policy Framework (2021), Policies CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013), the BCA10: Ashlyns Character Appraisal Area (2004) and Saved Appendix 3 of the Local Plan (2004).

## **11. RECOMMENDATION**

11.1 It is recommended that planning permission be GRANTED.

### **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 constructed in accordance with the materials specified on the application form and approved plans.**

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

3. **No development above ground level shall take place until a soft landscaping plan that includes number, size, species and position of trees, plants and shrubs has been submitted to and approved in writing by the Local Planning Authority.**

**The planting must be carried out within one planting season of completing the development.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.**

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by Saved Policy 99 of the Dacorum Borough Local Plan (2004) and Policy CS12 (e) of the Dacorum Borough Council Core Strategy (2013).

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

**NMKH\_02\_03  
NMKH\_02\_01**

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

#### **Informatives:**

1. Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. **APPROVED WORKS INFORMATIVE**  
  
The approval hereby issued relates solely to the following works described in the application description:  
  
Installation of trellis fencing and two gates.  
  
The existing steps shown on plan NMKH\_02\_01 do not form part of the current planning approval.
3. **HIGHWAY INFORMATIVES**

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway.

Further information is available by telephoning 0300 1234047.

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Hertfordshire Highways (HCC)	<p>Recommendation</p> <p>Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.</p> <p>Highway informatives</p> <p>HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works</p>

within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

#### Comments

The proposal is for the installation of trellis fencing and a front entrance gate, extending the length of the property at 22 Ashlyns Road, Berkhamsted. The trellis and gate will not be located within the highway network nor will they impact of visibility for vehicles entering or existing the site. The stairs within the existing site plan are within the

	<p>highway network and are not deemed acceptable. HCC enforcement team have been informed. We therefore recommend to the Local Planning Authority that drawing number NMKH_02_01 not be included within the decision notice approved drawings owing to the stairs being within the adopted highway network. However, in relation to the trellis and front gated entrance, HCC Highways would not wish to restrict a grant of permission for this proposal.</p>
Parish/Town Council	<p>Objection</p> <p>The Committee objected to the proposed size of the fence, which is too high and should be revised. Officer's attention is drawn to regulations applied in Anglefield Road.</p>
BCA Townscape Group	<p>Response from the BCA Townscape Group</p> <p>Objection</p> <p>Although the plan is a small improvement on the previous application, the fence is still too high, intrusive and detrimental to the street scene.</p> <p>The Townscape Group suggests a smaller fence.</p>

## APPENDIX B: NEIGHBOUR RESPONSES

### Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
8	0	0	0	0

### Neighbour Responses

Address	Comments