

WELWYN HATFIELD BOROUGH COUNCIL  
ESTATE MANAGEMENT APPEALS PANEL – 17 OCTOBER 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2019/1919/EM

12 THISTLE GROVE WELWYN GARDEN CITY AL7 4AN

ERECTION OF A FENCE FOLLOWING THE REMOVAL OF A HEDGE

APPLICANT: Mrs J Keighley

**1. Background**

- 1.1. The appeal is against the refusal of Estate Management (EM) Consent for the erection of a fence following the removal of an existing boundary hedge. The application (reference: 6/2019/1919/EM) was refused on the 10<sup>th</sup> September 2019 for the following reason:

*“The loss of the hedge to the front of the dwelling would result in an unbalanced frontage with excessive hard landscaping which would erode the immediate character of Thistle Grove and the surrounding Garden City. Accordingly, the proposal would be detrimental to the values and amenities of this part of the Garden City contrary to Policies EM3 and EM4 of the Estate Management Scheme.”*

- 1.2. Whilst the reason for refusal refers to Policy EM3 (Soft Landscaping) and EM4 (Hard Landscaping), the application should have also taken into consideration Policy EM2 (Erection of New Buildings). Taking into account the wording within the report, it is not considered that the appellant is prejudiced in any way to understand the concerns of the development. Accordingly this appeal is additionally assessed against Policy EM2.

**2. Site Description**

- 2.1. The appeal site is a two storey end terrace dwelling house, located on the western side of Thistle Grove. The property is located in a row containing four properties. The front of this terrace, and the appeal property itself, is open to views from the public highway.
- 2.2. Estate Management consent has previously been granted to relocate the front door of the dwelling to the front of the canopy, forming a porch.

**3. The Proposal**

- 3.1. The applicant’s proposal is for the erection of a boundary fence at the front of the property, to replace the existing hedgerow.

- 3.2. The proposed fence would measure approximately 4ft in height and extend across the full length of the northern side of the frontage, as well as a small section across the front.

#### **4. Policies**

- 4.1. Estate Management Scheme Policies (October 2008)

EM2 – Erection of New Buildings

EM3 – Soft Landscaping

EM4 – Hard Landscaping

#### **5. Relevant Estate Management History**

- 5.1. None

#### **6. Representations Received**

- 6.1. No neighbour representations have been received.
- 6.2. Cadent Gas Limited have identified operational gas apparatus within the application site boundary. On this occasion, Cadent Gas have commented stating that if the application is refused for any other reason than the presence of apparatus, they will not take any further action. Should it be approved, the applicant should read the guidance contained with the written response from Cadent Gas.

#### **7. Discussion**

- 7.1. This is an appeal against the refusal of Estate Management Consent. The appellant's grounds of appeal are attached at Appendix 1. The officer's report for application reference 6/2019/1919/EM is attached at Appendix 2. A photograph submitted by the appellant is attached at Appendix 3.
- 7.2. The key issue in the determination of this appeal is the impact of the proposed fence and the removal of the hedge on the values and amenities of the surrounding area. The impact on the residential amenity of adjoining occupiers is considered to be acceptable.
- 7.3. In recognition of the importance of Welwyn Garden City as a unique town and in order to protect the amenities and values of the Garden City, the Estate Management Scheme was set up. The purpose of the Management Scheme and its importance to homeowners is to ensure that homes and street scenes are kept in harmony with the original design and concept of the town.
- 7.4. Policy EM2 refers to the formal planned nature of the town and its layout. It states that the erection of new buildings including dwellings, garages, greenhouses, sheds, other outbuildings and structures can have a significant impact on the quality and appearance of a street scene or view.
- 7.5. Policy EM3 states that works to trees and hedgerows will only be allowed where the works would not result in a loss of landscaping which would harm the

character and amenities of the area and where sufficient justification for the works has been given or there are other considerations that apply.

- 7.6. Policy EM4 requires that proposals for hard surfacing will only be allowed where the works would retain an appropriate balance between hard and soft landscaping and would not result in the loss of any existing hedgerows or landscaping along the boundary, that would be harmful to the amenities and values of the street scene in which it is located. The Council will aim to ensure that a significant proportion, around 50% of the frontage is retained as landscaped 'greenery' to retain the appearance and ethos of the garden city unless individual circumstances indicate that this would not be appropriate.
- 7.7. Thistle Grove has a verdant character with front and side boundary hedges which reflect the ethos of the garden city. The appeal property is a two storey, end terrace dwelling located within a terrace of 4 similarly designed properties. The property, along with the three other terrace dwellings it adjoins, were designed with the use of generous landscaping and hedgerows to preserve this ethos. This design is replicated within other areas of the streetscene. On this basis, it is acknowledged that it is likely at some point the majority of the boundary of the application property would have been hedgerow in keeping with the character and appearance of the Garden City.
- 7.8. Some of the original landscape features within the terrace have slowly been eroded as areas of hardstanding have been introduced to the frontage and hedgerows removed. This has resulted in the introduction of some harm to the terrace and immediate area. Historic records indicate that these works do not have consent under the Estate Management Scheme.
- 7.9. The Council acknowledges that there is a need to prevent the erosion of landscape within the town and believes the retention of frontages, hedgerows and trees are critical to preserve this character.
- 7.10. Policy EM2 states that because of the formal planned nature of the town and its layout, the erection of structures can have a significant impact on the quality and appearance of a street scene or view. Proposals should respect the visual appearance of the area in terms of siting, scale and design and should not result in a visually over prominent or discordant element. The fencing is, by reason of its overall height, position and design, unduly prominent from public vantage points and out of keeping with the Garden City principles. Accordingly, it would be contrary to Policy EM2.
- 7.11. Policy EM3 aims for the retention of soft landscaping unless works proposed to trees or hedgerows will not result in harm to the values and amenities of the area. This part of Thistle Grove contains a number of open, soft landscaped frontages with front and side boundary hedges which contribute positively to the streetscene and enhance the character and appearance of the surrounding area and Welwyn Garden City in general.
- 7.12. The existing appeal property features a front and side boundary hedge. This design is replicated at Numbers 6, 8 and 10 Thistle Grove, which form the other properties within the terrace. The property also features a hardstanding which

can accommodate 2 cars. Based on the neighbouring properties, it would appear that in the past a boundary hedgerow and lawn would have been in situ instead of hard surfacing. There is no planning history to date the removal of the hedge or the formation of the hardstanding.

7.13. Front boundary hedges are a common feature within Thistle Grove and the Estate Management Scheme area. As the proposal would involve the loss of the only remaining section of hedgerow to the front garden, it would conflict with the stated objectives of Policy EM3.

7.14. It is noted that the host dwelling already benefits from a hardstanding which appears to exceed the standards within Policy EM4. The excessive hard surfacing to the front, which does not benefit from Estate Management consent, already results in an incongruous feature which currently is softened by the existing hedgerow. Hedges to front boundaries are a key feature seen within the Garden City. The removal of the hedgerow to be replaced with a solid, wooden feature would have a detrimental impact on the character of the immediate area and cause further harm to the amenities and values of the street scene, contrary to Policy EM4.

7.15. Additionally, as scaled drawings have not been provided, in terms of a visual assessment, the existing site appears in excess of the 50/50 guidance outlined under Policy EM4. The removal of the hedge (which currently acts as a buffer to the driveway) would further reduce the amount of frontage which would be retained as landscaped 'greenery'. This exacerbates the existing amount of hard surfacing, which already appears in excess of the standards under Policy EM4.

7.16. A case has been advanced by the appellant in support of their appeal. This includes;

1. A number of other houses in the street have a wooden fence on the border between the two properties.
2. 16 Thistle Grove features a boundary fence which was erected by the council.
3. The boundary fence would be aesthetically pleasing and it would not be adjacent to the public footpath as the example at No.16 is.
4. The existing hedge is dead and therefore needs replacing. This would be time consuming and both the applicant and the neighbour would benefit from a lower maintenance border.
5. The small piece of hedge next to the path could be replaced with a suggested species from the council.

7.17. With regard to point 1, the applicant has outlined that there are properties on Thistle Grove with fences situated along the side boundaries between two properties. As no photographs or details indicating house numbers of these

properties have been provided, the location of such addresses is therefore unknown. Limited weight can therefore be given when drawing a comparison between the schemes.

- 7.18. With regard to point 2, a photograph has been provided by the appellant to demonstrate an example of a fence along the front boundary of 16 Thistle Grove. This is attached at Appendix 3. It is acknowledged that while this fence has already been erected, the addition has removed an original hedgerow and introduced a fence which contrasts with the soft landscaped nature of the road. It is worth noting that the fence at No.16 does not benefit from Estate Management Consent and therefore may be subject to Enforcement action. The presence of this fence is not considered to be a reason to justify an additional fence at the application site, which would further dilute the original Welwyn Garden City design and character.
- 7.19. Point 3 refers to the aesthetics of the proposed fence and its siting in relation to the site boundaries. The appellant maintains that the fence would not be adjacent to the public footpath. Whilst this is the case with the side boundary fence, the plans suggest that the front section of hedge facing the footpath would also be removed and replaced with a section of fence. This point therefore provides limited weight in favour of the proposal.
- 7.20. In regards to the hedge under point 4, the appellant has stated that the existing hedge is dead and a replacement would take time to grow. The guidance for Policy EM3 states that consent is rarely given for the complete removal of hedgerows or trees without sound justification and a replacement element of landscaping will nearly always be required. It is not considered that a robust justification has been submitted by the applicant to overcome the concerns raised above. In any event, a replacement hedge could be acceptable if it was to replace a dead or dying hedge.
- 7.21. Under point 5, the appellant has referred to an alternative proposal, which would involve the replacement of the front section of hedge with a suitable replacement. This aspect was not included under the original application and consequently cannot be assessed within this report.
- 7.22. Overall, it is considered that a compelling case has not been made by the appellant to demonstrate why the circumstances advanced by the occupants of this particular property, when considered in its context, should override the wider values and amenities of Thistle Grove and the surrounding streetscene.

## **8. Conclusion**

- 8.1. The proposal, by virtue of the fence's siting, scale and design would form a prominent addition that would fail to maintain or enhance the balance between soft and hard landscaping within 12 Thistle Grove to the detriment of the visual interest of this site and the surrounding area. Accordingly, the proposal would be detrimental to the values and amenities of this part of the Garden City contrary to Policies EM2, EM3 and EM4 of the Estate Management Scheme.

## **9. Recommendation**

9.1. That the Members uphold the delegated decision and dismiss the appeal.

Author Emily Stainer (Development Management)  
Date 25 September 2019

Background papers:

Appendix 1: Appellant's grounds of appeal

Appendix 2: Original delegated officer's report

Appendix 3: Appellant's photograph



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title:		Scale:
	12 Thistle Grove Welwyn Garden City		DNS
	Project:		Date:
	EMAP	Drawing Number:	2019
		6/2019/1919/EM	Drawn:
			Baras Mast-Ingle
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