

WELWYN HATFIELD BOROUGH COUNCIL
ESTATE MANAGEMENT APPEAL PANEL – 28 JULY 2016
REPORT OF DIRECTOR (GOVERNANCE)

6/2016/0032/EM

39 MARSDEN GREEN, WELWYN GARDEN CITY, AL8 6YD

INSTALLATION OF PICKET FENCE ALONG THE SIDE AND FRONT OF
BOUNDARY

APPLICANT: Mr A Parnell

(Handside)

1 Background

- 1.1 This is an appeal against the refusal of Estate Management Consent for the erection and installation of a picket fence along the side and front boundary of No. 29 Marsden Green, the appeal property. The application (6/2016/0032/EM) was refused for the following reason:

'The proposed boundary fencing to the front would form a prominent addition that would adversely affect the character and appearance of the property and street scene, detrimental to the amenities and values of this part of the Garden City and contrary to Policies EM2 and EM3 of the Estate Management Scheme.'

2 Site Description

- 2.1 The appeal site is located on the north side of Marsden Green and comprises a two storey mid-terrace dwelling. The appeal property is set back from the highway and includes a driveway along the western boundary with the remainder of the front garden given over to soft landscaping. Small bushes are along the boundary with the highway.
- 2.2 The immediate street scene is residential in character with properties of similar size and design to the host property. The front of those properties consists predominately of soft landscaping and hedgerows.

3 The Proposal

- 3.1 The original application sought Estate Management consent for the erection and installation of a picket fence in front of the house along the side and front boundary. This would involve the removal of the existing soft landscaping along the boundary with the highway.
- 3.2 The picket fence would be wooden and unpainted and would be 0.95m high. It would be sited alongside the southern and western boundaries of the site.

The submitted block plan shows the existing hedgerow which is sited in the location of the proposed fence and it has been understood that this is to be removed as part of the proposals.

4 Estate Management History

4.1 None

5 Policy

5.1 Estate Management Scheme Policies (October 2008):

EM2 – Erection of new buildings

EM3 – Soft Landscaping

6 Discussion

6.1 This is an appeal against the refusal for Estate Management Consent. The appellant's letter of appeal is attached at Appendix 1, Photographs submitted by the Appellant at Appendix 2 and the delegated officer's report for application 6/2016/0032/EM, is attached at Appendix 3.

6.2 The key issue in the determination of this appeal is the impact on the amenities and values of the surrounding area. The impact on the residential amenity of adjoining occupiers is considered to be acceptable.

6.3 The street scene of Marsden Green has a consistent appearance and is characterised by spacious plots with the provision of generous landscaping and hedgerows to the front of the site which helps this part of the Garden City to retain a soft landscaped character and appearance.

6.4 Policy EM3 of the Estate Management Scheme (EMS) refers to soft landscaping and states that works to trees and hedgerows will only be allowed where it would not result in the 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.

6.5 The appeal site once benefited from a front boundary hedge which was mature and established and reflected other hedgerows within the immediate vicinity of the site. That hedgerow also helped to reduce the visual prominence of the hardstanding found at the property. That hedgerow however was removed without the required consent and the proposed boundary fence was erected, although that fence has since been removed. The site currently benefits from a small and unestablished hedge along the front boundary, which is understood to have been planted following the removal of the hedge and unauthorised fence.

6.6 The proposed block plan shows the picket fence in the location of the hedge which is understood is to be removed as part of the proposal. Front boundary hedges are a key feature and characteristic in the street scene and together with the grass verges and trees contribute to the establishment of the green,

landscaped nature of Marsden Green. Officers appreciate that the existing hedge to the front of the site is not yet established and in its current form does not provide the soft landscaping that was originally at the site or indeed within the immediate street scene. However, once established it will help to contribute to the values and amenities of Marsden Green. It will also help to obscure the hardstanding at the site, in particular when approaching the appeal site from the east. However the Panel should note if the appeal is dismissed an informative is recommended to be placed on that decision notice informing the appellant that if the hedge dies or is removed a replacement hedge would need to be planted, to avoid any possible enforcement action.

- 6.7 The provision of generous landscaping and hedgerows within the town is what helps the town to retain its particular and unique character. It is acknowledged that there is a need to prevent the erosion of landscape within the town and it is believed that the retention of frontages, hedgerows and trees are critical to preserve this character. Officers consider that the complete removal of the hedge along the frontage of the site is considered to be detrimental to the soft landscaped character of the surrounding area, contrary to Policy EM3.
- 6.8 Policy EM2 outlines that proposals for new buildings will only be permitted where they do not have a detrimental impact on the amenities and values of the surrounding area. Whilst policy EM2 applies to new buildings, it is considered that this is the most appropriate policy to assess the proposed fence against. This policy expects that new buildings should respect the visual appearance of the area in terms of its siting and scale and not result in a visually overly prominent element.
- 6.9 In regard to Policy EM2, Marsden Green is characterised by front boundary hedges. The presence of a front and side boundary fence would be highly visible from Marsden Green which would be clearly contrary to the established character of the street scene. The erection of a front boundary fence would introduce an alien and incongruous feature to the street scene and would alter the appearance to the front of the property and this part of Marsden Green which is considered to be detrimental to the street scene and therefore the amenities and values of the area.
- 6.10 The appellant's statement makes reference to properties within the surrounding area which have front and side boundary fences. The appellant has attached a number of photographs which show fences visible from public vantage points in which are suggested to be within two or three streets of Marsden Green. However, no specific addresses are provided within the statement and so the photographs outlining properties within the surrounding area are unable to be assessed. The assessment of a proposal in any event is considered on its own merit with regard to whether it would have a significant impact on the quality and appearance of the street scene. In this instance the use of generous landscaping and hedgerows within the town is what helps the town to retain a particular and unique character. Marsden Green, in which the proposal would be seen against, is characterised by the

use of generous landscaping with houses set back from the road frontage providing soft landscaping to the front and with hedges forming the front and often side boundaries, maintaining the ethos of the Garden City.

- 6.11 Overall it is considered that the loss of the hedge and the proposed fence would alter the established character of the area and would have a detrimental impact on the amenities and values of the Estate Management Scheme.

7 Conclusion

- 7.1 The installation of a front and side boundary fence following the removal of the existing hedge along the front boundary would not reflect or be in keeping with the established character of Marsden Green. The appellant has not provided sufficient justification for the removal of the soft landscaping or the erection of a fence which would outweigh the harm that would result. Accordingly, the proposal would detract from the amenities and values of the Estate Management Scheme and would be contrary to Policies EM2 and EM3.

8 Recommendation

- 8.1 That Members uphold the delegated decision and dismiss the appeal.

Informative

1. The appellant is advised if the existing hedge to the front of the site dies or becomes seriously damaged or diseased, it should be replaced during the following planting season by a hedge planted in accordance with a specification previously agreed in writing by the Local Planning Authority, to avoid any enforcement action.

Lucy Hale
Date 8 July 2016


Background Information

Appendix 1: Appellant's Grounds of Appeal

Appendix 2: Appellant's Photographs

Appendix 3: Delegated Officer report for 6/2016/0032/EM



 <p>WELWYN HATFIELD</p> <p>Council Offices, The Campus, Welwyn Garden City, Herts. AL9 5AQ</p>	Title: 39 Marsden Green, WGC		Scale: DNS
	Project: EMAP	Drawing Number: 6/2016/0032/EM	Date: 2016
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