

Appeal Decision

Site visit made on 7 March 2017

by Graham M Garnham BA BPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th March 2017

Appeal Ref: APP/J1915/D/16/3166342
26 Hagsdell Road, Hertford, SG13 8BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tim Edwards against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2031/HH, dated 6 September 2016, was refused by notice dated 2 November 2016.
 - The development proposed is replace existing feather edge fencing with similar but at consistent 6ft height to gain privacy and improve security as this runs along a footpath (Hagsdell Road).
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that this is the effect of the proposal on the character and appearance of the site and the Hertford Conservation Area.

Reasons

3. The appeal property is a modern detached house built on what appears to be an infill site. It is aligned with the long elevation parallel to the road. The boundary is marked by a timber fence that is 1.66 metres high at one end and 1.55 metres at the other. The existing fence has concrete posts, and it would be replaced by one of similar timber fencing, 1.83 metres high. I estimate from the site location plan that the house is about 6 metres from the boundary with the highway, and is on lower ground. This plan also shows that the back and east side of the house are on the plot boundaries. This means that all the outdoor amenity space and, presumably, the main ground floor habitable room windows, can be seen from the footway by passers by of an adult height.
 4. The appellant says the increased height is needed to improve privacy, and in particular remove the risk the family being viewed by voyeuristic strangers. He also says that the height proposed would continue the line of the existing fence around both highway frontages of no.30, just to the west, which is at the corner of the junction of Hagsdell Road with Queen's Road.
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5. The Council acknowledges that there are boundary fences and walls in the vicinity of the appeal site, of similar height to that proposed, but notes that they do not benefit from planning permission. Those nearby on the opposite side of the road are to very large curtilages which have significant amounts of trees and other vegetation near the highway, giving a bosky appearance to the street scene. To the east, the cemetery has low railings alongside the carriageway, with associated tall planting, further contributing to the verdant appearance of the road. Further east again, residential curtilages are more open with lower means of enclosure, giving way so some higher walls and fences again beyond this. Queen's Road is characterised largely by detached and semi-detached houses of generous size, aligned parallel to the road with low means of enclosure and mature trees in the gardens and footways.
6. Both roads mentioned are in the Hertford Conservation Area, a very large conservation area which covers much of the older part of Hertford, including the town centre. The Council has provided no character appraisal, or indeed any explicit account of the heritage significance of the conservation area, against which I can consider the proposal. Hence I rely on the summary of my observations near the site, as outlined above. In this I find that, for most residential properties in the vicinity, low means of enclosure coupled with mature planting are characteristic and make a positive contribution to an environment in which houses and gardens are part of the street scene. I consider that a fence of the height proposed, being materially higher than the existing fence, would detract from this characteristic and, by adding a degree of hardness to the street scene, diminish its quality.
7. I understand the need that the appellant seeks to address. However, I am not persuaded that, given the depth of front garden, other means of providing privacy are not possible, which would add value to the mature landscape features that characterise the vicinity. I have seen no evidence that such alternatives have been evaluated and discounted on sound planning grounds.
8. Consequently, I conclude that the proposal would detract significantly from the character and appearance of the site and the Hertford Conservation Area. This would bring it into conflict with Policies ENV1 & BH6 of the East Herts Local Plan Second Review (2007). Among other things, these require new development to be of a high design quality that reflects local distinctiveness, relates well to the surrounding townscape and is sympathetic to the general character and appearance of the conservation area. No softening landscape features have been proposed, as might be sought further to Policy ENV2.
9. The National Planning Policy Framework says that great weight is to be given to the conservation of a designated heritage asset, such as a conservation area. I consider that the proposal would fall short in this respect. Thus approving it would also fail to uphold the statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.
10. Planning permission should therefore be withheld, and I dismiss the appeal.

G Garnham

INSPECTOR