
Appeal Decision

Site visit made on 2 July 2019

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/J1915/W/19/3226251

33 Ladywood Road, Hertford SG14 2TE

- 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 Travis Marsh against the decision of East Hertfordshire District Council.
 - The application Ref 3/18/2394/FUL, dated 15 November 2018, was refused by notice dated 12 February 2019.
 - The development proposed is change of use of amenity land to residential land. Construction of replacement boundary garden wall.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of amenity land to residential land and construction of replacement boundary garden wall at 33 Ladywood Road, Hertford SG14 2TE in accordance with the terms of the application, Ref 3/18/2394/FUL, dated 15 November 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 180503.01, 180503.02, 180503.03 and 180503.04.
 - 3) The external materials of construction and finishes for the building works hereby permitted shall match those used for the existing building.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description. I shall determine the appeal on this basis accordingly.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises of an area of grassed open amenity space running along the side of No. 33 Ladywood Road (No. 33), a two storey end terrace

dwelling that occupies a corner position within a modern residential estate. It has a modest rear garden enclosed by a high boundary wall that is set back from the main estate road behind a footpath and the appeal site. The estate has a number of plots of open amenity land, both in public and private ownership. In this instance, the appellant has provided evidence to confirm that he owns the land, and this is undisputed by the Council.

5. Whilst many of the properties are characterised by open frontages with semi-mature planting, a number of the corner properties on the estate are built close to the highway with a variety of boundary treatments including high brick walls and various combination of walls, fences and landscaping that provides some variation in the appearance of the area.
6. The proposal would entail the construction of a replacement brick wall of about 2m high to enclose part of the open amenity space to provide an additional garden area. The proposed wall would be set back from the front elevation and extend out by about 2.4m from the side of the property. The proposed wall would have a staggered form and height to match the existing wall and would be set back about 1m from the back edge of the footpath.
7. Whilst the appeal site would be located in a prominent position, the scale, form and design of the proposed wall would not represent a wholly uncharacteristic feature within the immediate area. The final form and overall height of the proposed wall will not appear dissimilar to that currently in place. It would sit relatively unobtrusively against the two storey form of the main property and would extend out broadly in line with the front elevation of No. 29 Ladywood Road to the rear of the site. In my view, sufficient amenity space would be retained to the front and alongside the proposed wall to limit any significant adverse impacts on the street scene. This would be further enhanced by the retention of the open plan front garden at No. 33 and the open grassed verge located directly in front of the properties on the opposite side of the road.
8. Consequently, I conclude that the enclosure of the amenity open space and the overall height, siting and appearance of the proposed wall would not adversely harm the character and appearance of the area. It would be consistent with the overall aims of Policies DES3 and HOU12 of the East Herts District Plan 2018. These policies, amongst other things, seek to ensure that the proposals involving the change of amenity land to residential garden do not result in an adverse effect on the character and appearance of the area, provide appropriate boundary treatment and retain, protect and enhance existing landscape features which are of amenity value.
9. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces of the proposed wall match those of the existing property.

Conclusion

10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR