The Planning Inspectorate

Appeal Decision

Site visit made on 3 March 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/N1920/D/22/3302324
1 Gills Hollow, Radlett, Hertfordshire WD7 8JJ

- 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 Aled Davies against the decision of Hertsmere Borough Council.
- The application Ref 22/0352/HSE, dated 25 February 2022, was refused by notice dated 26 April 2022.
- The development proposed is installation of replacement close boarded fence to side boundary.

Decision

1. The appeal is allowed and planning permission is granted for installation of replacement close boarded fence to side boundary, at 1 Gills Hollow, Radlett, Hertfordshire WD7 8JJ in accordance with the terms of the application, Ref 22/0352/HSE, dated 25 February 2022, and the plans 330:01 Rev A and 330:F1 Rev A submitted with it.

Procedural Matter

2. The application was made on a retrospective basis, and I saw that the fencing in question had been installed at the time of my visit. However, I have omitted the words 'retrospective application' from the description of development above as this does not refer to an act of development.

Main Issue

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

Reasons

4. Gills Hollow is a narrow residential lane characterised by individual, detached dwellings. The appeal site is located towards the south-western end where a more open character exists as the dwellings face onto the Phillimore Recreation Ground. I agree with the Council that there is a verdant character to the area, with a number of mature trees within the recreation ground and hedgerows lining the lane along Gills Hollow.

5. However, I saw that the boundaries to the part of the lane facing the recreation ground consist of either open frontages enabling car parking or timber fencing of various designs and height. This includes No 2 beyond the appeal site, and Nos 3 and 4 directly opposite. The metal railings enclosing the recreation ground are a further different boundary treatment. My observations, therefore, were of a varied street scene with a mix of soft landscaping and different hard boundary treatments.

6. Within this context, the installation of timber fencing is not uncharacteristic. I accept that the horizontal pattern of the panelling and grey colour represent a more contemporary appearance, but in my observations from various points around the site, it did not appear overly conspicuous in either scale or appearance, as it reflects the height of other nearby fencing and maintains a consistent boundary line along the lane.

7. The Council criticises the loss of a former three metre high hedge which formed the side garden boundary of the appeal site, but which the appellant indicates was outgrowing its space and becoming unmanageable in size. However, as far as I am aware, the hedge was not subject to protection in planning terms, and its removal could have been undertaken at any time, notwithstanding that Policy HD5 of the Radlett Neighbourhood Plan 2020 to 2036 (May 2021) (the RNP) states that proposals should retain healthy high quality trees, woodland and hedges in the area.

8. This aside, the loss of the hedge has not resulted in a noticeable gap in an otherwise consistent pattern of boundary hedgerows. The fencing sits within a part of the street less influenced by soft landscaping and consequently its removal does not have a discordant effect. Nonetheless, the appellant points to other landscaping within the garden having been retained and to new bushes having been planted behind the fence which will in time grow taller than it and return an element of greenery to the street scene. In this respect, the appeal scheme would combine elements of hard and soft landscaping in a manner reflective of the wider street scene along Gills Hollow.

9. Given these considerations, the development is consistent with the Council's Design Guide Part E (November 2006), which sets out that front fences may be used where they are already a feature of the street, where the design complements the existing pattern of boundary treatments and that it should be integrated with hard and soft planting. I also find no conflict with the aims of the Radlett Design Code[1] that boundary treatments should reflect the prevailing character of boundaries with special attention to retaining open character and green hedges and avoiding boundaries that appear unduly dominant.

10. For the reasons set out, therefore, I conclude that the fencing preserves the character and appearance of the area, and no conflict arises with Policies CS22 of the Core Strategy (January 2013), Policy SADM30 of the Site Allocations and Development Management Policies Plan (November 2016) or Policy HD3 and HD5 of the RNP, which together require that development to be of high quality design that should take advantage of opportunities to improve the character and quality of an area by, among other things, reflecting and responding positively to local townscape and landscape character.

Other Matters

11. I have had regard to the appellant's concerns regarding security. I recognise that the fencing installed may provide a more robust form of boundary protection than the previous wire mesh fence and hedgerow. However, in light of my findings on the main issue, these considerations are not decisive to my overall view on the appeal.

[1] Set out within the Radlett Neighbourhood Plan 2020 to 2036 (May 2021)

12. The Council did not refuse permission in respect of other matters, including neighbours living conditions and highway safety. On the evidence before me, including my observations on site, I have no reasons to conclude otherwise in these matters.

Conditions

13. The Council seeks a condition requiring a scheme of landscaping to be submitted for approval and subsequently implemented. However, I am satisfied that the landscaping already in place will provide a satisfactory overall appearance to the site, and therefore the proposed condition is not necessary.

14. As the works are indicated to have already been completed, it is not necessary to impose a time limit condition or an approved plans condition, though I shall list the relevant plans in the formal decision for clarity.

Conclusion

15. For the reasons set out, therefore, the appeal is allowed.

K Savage

INSPECTOR