



Appeal Decision

Site visit made on 20 December 2024

by **P D Biggers BSc Hons MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 January 2025

Appeal Ref: APP/C1950/D/24/3354111

73 Knightsfield, Welwyn Garden City, Hertfordshire AL8 7JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Lisa Carr against the decision of Welwyn Hatfield Borough Council.
 - The application Ref is 6/2024/0657/HOUSE
 - The development proposed is to partially remove an existing wall that sits on an old boundary line and rebuild a fence on the new boundary line.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the period since the appeal was submitted the Government has published a revised version of the *National Planning Policy Framework* (the Framework) in December 2024 which takes immediate effect. None of the changes are of significance for this appeal but I have used the paragraph referencing from the new Framework in my decision below.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling, the surroundings of Knightsfield and the wider Welwyn Garden City Conservation Area.

Reasons

4. No 73 stands at right angles to Knightsfield with its gable end facing the road. It is one of a short terrace of 3 dwellings, Nos 69-73, facing onto a green courtyard off Knightsfield.
5. Currently the rear garden to No 73 is enclosed by a brick built wall which steps down following the slope of the land from No 75 Knightsfield to a side gate which gives access to the rear garden. This boundary design is mirrored on each of the corner properties around the junction of Knightsfield with Harwood Hill.
6. The character of the Conservation Area here is one of two storey housing in a landscaped green and spacious setting along the road with boundary treatments set back behind amenity landscaping and boundaries generally marked by brick walling or trees and hedging.

7. At some point in the past, part of the adjoining strip of amenity land to No 73 was acquired by the then property owners to enable a larger garden area to be created. The appellant's proposal would demolish part of the brick boundary wall to allow the rear garden to be linked to this additional land and a close-boarded fence erected around the enlarged garden. In preparation for this I note that the appellant has already secured permission to remove the trees from the extended garden area and that this felling has already been carried out.
8. I have been referred to other properties in the area (particularly Nos 69 and 81 Knightsfield) where fences have been erected and which the appellant considers justify the appeal proposal. However, the two referred to in the vicinity of the appeal site are much less prominent than would be the case at the appeal site and in the case of No 81 the brick wall has been retained with the addition of open timber fencing above it. In any event these examples are very much the exception and fencing is not an established boundary treatment on Knightsfield or in this part of the Conservation Area, the majority of boundaries being either marked by walling or hedging. I will therefore determine the appeal proposal on its own merits.
9. The appeal proposal would result in the removal of a considerable section of wall and the erection of a close-boarded fence 1.8 metres in height on the frontage in line with the front elevation of the house and along the boundary of the amenity strip along the back of the highway verge on Knightsfield. The fence would be higher than the existing wall and would not step down with the fall of the ground as is the case with the current wall.
10. The result would be a very prominent addition on the frontage enclosing this corner plot, reducing the current open, spacious character and which would be highly visible, particularly in views westwards along Knightsfield. The finished proposal would be out of keeping with the established character of the Conservation Area.
11. It has been put to me that with colour treatment of the fence and landscaping the impact would be minimal. Whilst replacement landscaping for the trees already removed could be secured this would take time to establish and in the meantime the fence would be highly obtrusive in the Conservation Area. Moreover, whilst colour treatment might assist it would not be sufficient to entirely mitigate the visual impact of the fence on this currently open site.
12. Section 72(1) of the *Listed Buildings and Conservation Areas Act 1990* requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. The demolition of the wall, loss of trees and the introduction of the close-boarded fence in this context would be harmful to the significance of this part of the Conservation Area and fail to preserve its established character. As such the proposal would be contrary to Paragraph 212 of the Framework. For the same reasons it would also be in conflict with Policy SP15 of the *Welwyn and Hatfield Borough Council Local Plan (WHBCLP)* which seeks to conserve and where appropriate enhance the significance of the Borough's heritage assets including the Conservation Area. Moreover, Policy SADM15 states that proposals should respect the character, appearance and setting of the asset and historic environment in terms of design, scale, materials and impact on key views. The height and close boarded design proposed for the fence would impact on views along Knightsfield and conflict with these policy objectives.

13. I accept that the harm to the significance of the Conservation Area would be less than substantial and, in these circumstances, Paragraph 215 of the Framework states that the harm can be weighed against any public benefit. The appellant, in making the proposal, argues that it would provide privacy, security and increase the usability of the space. However, as these are private benefits for present and future occupants of the property they would have limited weight. The appellant also argues that the proposal would improve what is now an untidy and neglected area of amenity land which the Council has allowed to deteriorate. Whilst if this were the case it would constitute a public benefit, for the reasons above the introduction of the close-boarded fence would not in fact be an improvement to the Conservation Area. Accordingly, I am not persuaded that there are public benefits to outweigh the harm to the significance of the Conservation Area from the proposal.

Other Matters

14. It has been put to me that the proposed fence is partly in response to structural concerns with the current wall and vermin being observed in the open area of former amenity land. From my observations on the site visit there was no obvious structural issue with the existing wall and I am not persuaded that simply enclosing the land with a fence would make any significant difference if vermin are established in the area.
15. I have been referred to the fact that the Council previously permitted a two storey extension to the property which involved the land now to be enclosed as garden and that new boundaries were approved at that time. However, notwithstanding the fact that this permission has long since lapsed, evidence from the Council's public access system online shows that the boundary changes were proposed to be a continuation of the brick wall currently in place and hedging. A close-boarded fence was not part of the proposal.
16. I understand the appellant's wish to incorporate the area into the garden to make sustainable and effective use of housing land, an objective which is encouraged by the Framework. I acknowledge that this national policy objective makes the principle of the development acceptable. However, paragraph 129 in Section 11 of the Framework states that development should not be at the expense of maintaining an area's prevailing character and setting. Sustainable and effective use of the dwelling would not therefore outweigh the harm to the character and appearance of the area as a result of the proposed close-boarded fence.
17. I have been invited to take the view that the Council has not complied with Paragraph 39 of the Framework requiring Councils to take a positive and proactive approach to decision making. However, given that the principle of a close-boarded fence of this height and prominence in this location would not be acceptable, I am satisfied that this requirement in the Framework would have been difficult to deliver.

Conclusion

18. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR