

**E/14/0019/B – Unauthorised fencing, gates and covered area at 35A
Townshend Street, Hertford, SG13 7BP**

Parish: HERTFORD

Ward: HERTFORD CASTLE

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Finance and Support Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised fencing, gates and covered area.

Period for compliance: One month

Reasons why it is expedient to issue an enforcement notice:

1. The development, by reason of its siting, height, design and materials is out of keeping with and harmful to the character and appearance of the site and the surrounding Conservation Area, contrary to policies ENV1 and BH5 of the East Herts Local Plan Second Review April 2007.
2. The development reduces visibility onto the footway for an exiting driver to a significant degree and severely restricts inter-visibility between the site and the street such that it is detrimental to highway safety in the area.

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1.0 Background

- 1.1 The application site, as shown on the attached site plan, comprises an industrial building and its curtilage, which is now used as a builders' yard.
- 1.2 In January 2014 it was brought to the attention of the Council that a boundary fence, gates and covered area had been erected around the frontage of the site, adjacent to the highway. Officers contacted the owner and advised them that planning permission was required for the development and, subsequently, a retrospective application, under reference 3/14/0822/FP, was submitted seeking planning permission for the current unauthorised development. However, after due consideration, the application was refused for the reasons given above.
- 1.3 Photographs of the site will be made available at the meeting.

2.0 Planning History

2.1 The following planning history relates to this site:

3/89/1437/FP: Demolition of existing single storey light industrial building and the erection of a one bed house with associated parking – Refused

3.0 Policy

3.1 The relevant 'saved' Local Plan policies in this case are policies ENV1, ENV5, ENV6 of the East Herts Local Plan Second Review April 2007.

3.2 The National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (NPPG) are also material considerations in the determination of this matter.

4.0 Considerations

4.1 The site is located within the built up area of Hertford where development is acceptable in principle, subject to Policy ENV1 of the adopted Local Plan which requires development to be of a high standard of design and layout; reflect local distinctiveness and respect the amenity of occupiers of neighbouring buildings. Any development is expected to demonstrate compatibility with the structure and layout of the surrounding area and complement the existing pattern of street blocks, plots and buildings. The site is also within the Hertford Conservation Area wherein Policy BH5 requires proposals to be sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the building itself, adjacent buildings and the general character and appearance of the area.

4.2 In this case, the unauthorised fence fronts Townshend Street with timber security gates and, behind this, a covered storage area has been created. The side fence is as existing, with a trellis added to the top. The site comprises a lockable storage space, a covered storage area and an open storage area for a van/trailer. The front and side fences stand 2.2 metres high.

4.3 The design of the fence is close boarded timber fencing which, apart from the trellis at the top, is somewhat featureless and bland. It is out of character with other forms of boundary treatment in Townshend Street, particularly in terms of its height, its proportions and general character and appearance. It is not considered to demonstrate

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compatibility with the surrounding area or to reflect a high standard of design and layout or local distinctiveness. The proposal is thereby contrary to Policy ENV1 of the East Herts Local Plan.

- 4.4 A more imaginative proposal is required in this location such as attractive railings, perhaps in association with some planting that is likely to be more visually appropriate in this Conservation Area setting. The fence is not acceptable with respect to Policy BH5 of the East Herts Local Plan which requires a sympathetic approach in terms of scale, height, proportion, for, materials and siting in relation to the building itself, adjacent buildings and the general character and appearance of the area.
- 4.5 In addition to its poor appearance, Herts Highways recommended refusal of the recent retrospective application. They considered that there was a significant lack of visibility either side of the gates onto the footway as a result of the fencing, as well as inter-visibility between the site and the street. Vehicles (likely to be vans) reversing out of the site are now emerging almost blind onto the public highway. 'Roads in Hertfordshire' state any new gates should be set back a minimum of 5.5 metres from public highway land. Vehicles blocking the carriageway could cause inconvenience to pedestrians and other highway users. They suggested that the owner/occupier could install open metal fencing providing visibility or the height of the fencing could be reduced. The fencing has encroached on a small manhole cover and the base of an electricity pole has been encroached upon, limiting access to both. This matter has been passed to the Highways' enforcement team.

5.0 Recommendation

- 5.1 In view of the above, it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the authorised fencing and gates.