

E/08/0567/A – Unauthorised erection of new boundary fence and shed at 20 Cambridge Road, Thundridge, Herts, SG12 0SU

Parish: THUNDRIDGE

Ward: THUNDRIDGE & STANDON

RECOMMENDATION

That the Director of Neighborhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such steps as may be required to secure the removal of the unauthorised fence and shed.

Period for compliance: 2 Months

Reasons why it is expedient to issue an enforcement notice:

The fence, by reason of its siting, height and design and the shed by reason of its siting, result in the enclosure of open amenity space and the loss of landscaping which detracts from the character and appearance of the area. The development is thereby contrary to polices ENV1 and ENV7 of the East Herts Local Plan Second Review April 2007.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. The property is an end of terrace and located in the Category 2 village of Thundridge. The property fronts onto Cambridge Road, but car parking and access to the rear of the property is via Eleanor's Close which is a cul-de-sac.
- 1.2 It was brought to the attention of the Enforcement Team in November 2008 that the owner of the property had erected a new boundary fence in excess of 2 metres high and a garden shed, contrary to conditions 6 and 8 of the original planning permission granted under reference 3/05/0341/FP.
- 1.3 On the 30th April 2009, an application was submitted under reference 3/09/0653/FP for the retention of the fence and shed. After due consideration the application was refused permission on the 6th July 2009 for the following reason;
 1. The proposed fence, by reason of its siting, height and design, and the proposed shed, by reason of its siting, would result in the enclosure of open amenity space and the loss of landscaping which would detract from the character and appearance of the area. The proposed

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development would thereby be contrary to policies ENV1 and ENV7 of the East Herts Local Plan Second Review April 2007.

2.0 Planning History

2.1 The recent planning history is as follows:-

3/05/0341/FP	Demolition of existing garage buildings and erection of 13 dwellings.	Approved with Conditions
3/09/0653/FP	Erection of new boundary fence and shed (Retrospective).	Refused

3.0 Policy

3.1 The relevant policies of the East Herts Local Plan Second Review April 2007 are :-

- ENV1 – Design and Environmental Quality.
- ENV7 – Extension of Curtilage of a Residential Property.

4.0 Considerations

4.1 Planning permission was granted in 2005 for the demolition of the existing garage buildings on the site and the erection of 13 dwellings with conditions attached to the planning permission, including the restriction of Class A, Part 2 “permitted development rights” for means of enclosure (gates, walls and fences) and Class E, Part 1 (outbuildings).

4.2 The owner has erected a close boarded fence to a maximum height of 2.5 metres and sited 0.5 metres away from the original boundary fence adjacent to Eleanor’s Close. Even though the site is within the homeowners ownership it is considered that the area of land that has been enclosed by the fence is open amenity space which was subject to a landscape condition imposed on the original planning permission. Also erected is a shed that measures 1.85 metres wide, 2.45 metres in depth and 2.2 metres in height.

4.3 As the new fence encloses open amenity land which had the benefit of landscaping as part of the overall landscape management plan from the original permission, the fence, by reason of its position, height and design has resulted in the loss of this landscaped area of amenity space and detracts from the character and appearance of the area which is contrary to policies ENV1 and ENV7 of the East Herts Local Plan Second Review April 2007.

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4.4 The timber shed with a pitched roof is outside the original boundary fence line of the property, it is considered the siting has resulted in the loss of open amenity space and landscaped features which is detrimental to the open and spacious character and appearance of Eleanor's Close and is contrary to policies ENV1 and ENV7 of the East Herts Local Plan Second Review April 2007.

5.0 Recommendation

5.1 For the above reasons it is recommended that authorisation be given to issue and serve an Enforcement Notice requiring the removal of the unauthorised fence and shed and the reinstatement of the landscaped area.