

E/08/0557/A - Unauthorised erection of 1.8 metre high larch lap fence at The Well House, The Causeway, Furneux Pelham, SG9 0LN

Parish: FURNEUX PELHAM

Ward: LITTLE HADHAM

RECOMMENDATION

That the Director of Neighbourhood 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 further steps as may be required to secure the removal of the unauthorised fencing from the land.

Period for compliance: 28 days.

Reasons why it is expedient to issue an enforcement notice:

1. The fence is detrimental to the setting of the Listed Building, contrary to policy BH12 of the East Herts Local Plan Second Review April 2007.
2. The fence is detrimental to the character and appearance of the Furneux Pelham Conservation Area wherein the site is situated, contrary to policy BH6 of the East Herts Local Plan Second Review April 2007.
3. The development by reason of its height, scale, materials and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character and quality of the area. The development is thereby contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It is situated on the west side of The Causeway at the junction with The Street, within the Conservation Area of Furneux Pelham. The dwellinghouse at the site is a Grade II listed building which means that the property does not benefit from permitted development rights under Class A of Part 2 of Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 (as amended) to erect gates, walls, fences or other means of enclosure.

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- 1.2 In November 2008 a concern was expressed to the Council that a high fence had been erected adjacent to the highway at the above site, from the vehicular entrance to the southern boundary of the property.
- 1.3 An enforcement officer visited the site and noted the recently erected fence and spoke to the owner. It appears that a previous fence and outbuilding were destroyed by fire and had been removed from the site.
- 1.4 The owner was informed that planning permission was required for the replacement fence, outbuilding and oil tank. This advice was confirmed in a letter to him dated 3rd December 2008.
- 1.5 Following a number of telephone conversations and e-mails between the owner and the enforcement officer a planning application was received under application number 3/09/0396/FP for "Replacement outbuilding and tree planting".
- 1.6 Whilst that application was granted, it did not include the fence and, in fact, contained a directive which states "Please note this permission does not relate to the boarded fence or oil tank as indicated in plan references 200-11/P.02 and 2008-11/P.04B. A further planning application will be required for these elements."
- 1.7 Despite further communication with the owner, by both the enforcement and planning case officers, no further application has been made and it is the view of officers that the larch lap fencing around part of the curtilage of the listed building has an adverse impact upon both the listed building itself and upon the wider conservation area in which it lies. The owner has been informed of officers views. The fencing to the northern side of the property is wooden palisade fencing in front of hedging and other planting which officers' consider to be appropriate to both the listed building and conservation area.
- 1.8 Photographs of the site will be available at the meeting.

2.0 Planning History

- 2.1 The most recent planning history for the site can be summarised as follows:-

3/89/0935/LB	Rebuilding of garage to incorporate a room in roofspace, new chimney stack and various internal alterations including the replacement of the ground floor	Approved with conditions.
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	sitting room window on the north elevation.	
3/89/0934/FP	Rebuilding of garage to incorporate a room in roofspace, new chimney stack and various internal alterations including the replacement of the ground floor sitting room window on the north elevation.	Approved with conditions.
3/09/0396/FP	Replacement outbuilding and tree planting.	Approved with conditions.

3.0 Policy

3.1 The relevant policies in this matter are:-

BH6 – New Developments in Conservation Areas
BH12 – Development Affecting the Setting of a Listed Building
ENV1 – Design and Environmental quality

4.0 Considerations

- 4.1 In this matter, the main issue to be considered is the impact of the unauthorised development upon the setting of the listed building and upon the wider Conservation Area of Furneux Pelham in which it lies.
- 4.2 Officers' consider that the fence is of excessive size and of an inappropriate design in relation to the listed building. It is poorly related to the form and design of the Grade II listed building it partially surrounds, detracting from its special historic character. Furthermore, it is prominent within the Conservation Area and out of keeping with and detrimental to the appearance of the area. Overall, it is considered that the fence fails to preserve or enhance the appearance of the Conservation Area.
- 4.3 Officers further consider that the larch lap fencing is of a poor standard of design with an inappropriate choice of materials that are harmful to the listed building itself, and the historic village of Furneux Pelham and the conservation area in which it lies.

5.0 Recommendations

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised development.