

**5n E/13/0064/B – Unauthorised fencing at Windyridge House, Bramfield Road, Hertford, Herts, SG14 2HZ**

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**Parish:** HERTFORD

**Ward:** HERTFORD – SELE

**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.

Period for compliance: 4 months from the notice coming into effect

Reason why it is expedient to issue an enforcement notice:

1. The fencing, by reason of its height, appearance, siting and extensive length, appears unduly prominent and out of keeping within the street scene and detrimental to the openness and visual amenity of the locality. The loss and diminishment of the sylvan character of the site and locality is significantly detrimental to the rural and special historic character and appearance of the site, contrary to Policies ENV1, ENV2, ENV11 and BH16 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

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**1.0 Background:**

- 1.1 The site is shown on the Ordnance Survey extract. It is located on Bramfield Road which has a rural character, is within the Green Belt and forms part of the Historic Registered Grade II Listed Park and Garden of Goldings to the north.
- 1.2 In March 2013, concerns were expressed to the enforcement team regarding the erection of a significant amount of fencing along the north side of Bramfield Road, adjacent to the highway and forming the southern boundary to Windyridge House.
- 1.3 A site visit was carried out by an Enforcement Officer who observed that a substantial length of fencing (approximately 90m) had been erected adjacent to the highway, significantly higher than the 1m allowed in this location under permitted development. No application for planning

## **E/13/0064/B**

permission had been submitted for the development.

- 1.4 The owner was contacted by letter and by telephone, and was advised of the requirement for planning permission.
- 1.5 On 12 September 2013 an application for retrospective planning permission was received. The applicant also submitted a covering letter stating that, in their view, the fencing did not impact on highway safety or visual amenity and that it had been constructed so as not to harm trees on the site. They also indicated that planting would be carried out inside the boundary to allow ivy and other similar plants to fall over the fence and to soften its appearance.
- 1.6 After due consideration, however, the application was refused on 6<sup>th</sup> November 2013 for the following reason:
  1. The fencing, by reason of its height, appearance, siting and extensive length, appears unduly prominent and out of keeping within the street scene and detrimental to the openness and visual amenity of the locality. The loss and diminishment of the sylvan character of the site and locality is significantly detrimental to the rural and special historic character and appearance of the site, contrary to Policies ENV1, ENV2, ENV11 and BH16 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

### **2.0 Planning History:**

2.1 The relevant planning history is as follows:

3/13/1524/FP	Erection of front boundary fence – retrospective.	Refused
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### **3.0 Policy:**

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

ENV1 – Design and Environmental Quality.  
ENV11 – Protection of Existing Hedgerows and Trees.  
BH16 – Historic Parks and Gardens.

3.2 The National Planning Policy Framework is also a relevant material consideration.

**4.0 Considerations:**

- 4.1 The front (southern) boundary of Windyridge House borders Bramfield Road with the house set some 39m back from the road. Bramfield Road itself, whilst located close to the town of Hertford, has a very rural character and is arguably typical of rural roads within the district, with an open and soft landscaped character.
- 4.2 The fencing requires express planning permission by virtue of its height, above 1m when sited adjacent to a highway used by vehicular traffic. Whilst there is no statutory definition of “adjacent”, Officers are satisfied in this case that the fencing constitutes development adjacent to Bramfield Road, and the maximum height permitted without express planning permission is 1m. The current unauthorised fencing measures approximately 2m in height.
- 4.3 The appearance of the fence is considered to be very stark, at odds with its surrounding environment, and not a typical feature of such rural roads. The detrimental impact of the fence on the street scene and the openness/visual amenity of the area is exacerbated by the sheer length of the fencing, which is approximately 90m, the height of approximately 2m, its siting immediately adjoining the footpath and its design, which is characteristically urban in appearance.
- 4.4 The site also falls within the Historic Registered Grade II Listed Park and Garden of Goldings to the North, and whilst the site has its own curtilage, it still forms part of the heritage asset. Officers consider that the removal of the previous post and wire fence, the erection of the 2m high fence and the resultant loss of landscaped views to the north (which includes a Woodland TPO area) is detrimental to the special historic character and appearance of the site.
- 4.5 Officers appreciate that some form of boundary treatment is necessary in this location to protect the amenity of the occupiers of Windyridge House. However, the erection of approximately 90m of 2m high fencing is considered to be significantly detrimental to the openness and visual amenity of the locality. The justification for the fence is further undermined by the lack of evidence of any consideration of more sympathetic boundary treatment options which would not detract from the character and appearance of the area.
- 4.6 Officers consider that serving an Enforcement Notice at this stage for the removal of the fence will reverse the harm caused by the development, whilst a reasonable compliance period (4 months) will allow the owner to explore their options for a replacement boundary

## **E/13/0064/B**

treatment using permitted development and/or an amended planning application before the fencing must be removed.

### **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 fencing.