

3/15/1133/HH – Removal of boundary fence and erection of 2m high brick wall. Erection of shed/summer house at 69 The Hyde, Ware, SG12 0ER for Mrs S Downham.

Date of Receipt: 01.06.2015

Type: Full – Householder

Parish: WARE

Ward: WARE – ST MARYS

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three Year Time Limit (1T121)
2. Approved plans (2E103) (Plan refs: Site plan, location plan, photos 1-6, shed 1-5, plan 1-3)
3. Matching materials (2E131)

Informatives:

1. Other legislation (01OL1)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached plan. It is an end of terrace dwellinghouse located within a cul-de-sac on a residential estate to the western edge of Ware.
- 1.2 The proposal seeks planning permission for the erection of a 2 metre high garden wall within the north western corner of the property's rear garden, in place of an existing close-boarded fence. In addition, a summer house is proposed within the north eastern corner of the rear garden.
- 1.3 The application has been reported to Committee as the applicant is an

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employee of the Council.

2.0 Site History

2.1 The following planning history is considered to be relevant to the determination of the current application:

- 3/83/1117/ZB – Erection of 160 houses – Approved July 1984

2.2 This application granted planning permission for the construction of the residential estate within which the application property lies. As part of that permission, 'permitted development' rights for the erection of walls, fences and other boundary treatments to the properties were removed. This has the effect that planning permission is required for the erection of any new walls or other means of enclosure on the estate.

3.0 Consultation Responses

3.1 No statutory consultations were required in respect of this proposed development.

4.0 Town Council Representations

4.1 Ware Town Council has no objection to the proposed development

5.0 Other Representations

5.1 The application has been advertised by way of discretionary site notice and neighbour notification.

5.2 No responses have been received at the time of writing this report. Any responses received will be reported to the Committee at the meeting.

6.0 Policy

6.1 The relevant 'saved' Local Plan policies in this application include the following:-

ENV1 Design and Environmental Quality

6.2 The requirements of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations in the determination of this application.

7.0 Considerations

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7.1 The main planning considerations in assessing this application are considered to be:

- The impact of the proposed summerhouse on neighbour amenity, and
- The visual impact of the proposed replacement wall on the local streetscene.

Summerhouse

7.2 The proposed summerhouse would be sited in the north-east corner of the garden, adjacent to the boundaries with the gardens to nos. 70 (to the east) and 76 (to the north).

7.3 The summerhouse would have a shallow sloping roof with a maximum height of 2.7 metres, rising from eaves of 2.1 metres. At its closest point to the neighbouring boundaries, it would only project slightly above the fences of the garden boundaries. It would be located approximately 8 metres from the windows of either of the nearest neighbours and, at this distance, and given the design and limited height of the proposed building, Officers are satisfied that the summerhouse would not appear as a dominant feature in the area and would not result in any harm to the outlook of either of the neighbouring properties.

7.4 Officers also note that the summerhouse, at 2.7 metres in height, would only be slightly higher than the 2.5 metre high outbuilding that could be constructed under the dwelling's 'permitted development' rights. This 'fallback' position is a material consideration in this case as, of course, it would be possible to erect a similar building, with a slightly reduced height, without planning permission and that would have a very similar impact on the surrounding area.

7.5 In any event, Officers are satisfied that the summerhouse proposed within this application will have an acceptable impact on the character, appearance and neighbour amenity of the surrounding area.

Replacement garden wall

7.6 The proposed wall would replace an existing close-boarded fence on part of the western boundary of the rear garden, which adjoins a parking court to the west of the site. The parking court is a private area, sited away from public view and is accessed under an archway to the side of no. 69.

7.7 The boundary treatment at present comprises partly wall and partly close boarded fence, each extending approximately half the length of the rear

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garden to no. 69. The wall is 2 metres in height and the fence is approximately 1.7 metres high. Officers consider that this is a somewhat compromised appearance, although mitigated by the limited visibility in the wider streetscene as the parking court is in a secluded location.

- 7.8 Officers consider that the proposed new 2m high wall would result in a more consistent appearance of improved quality which would generally improve the appearance of the parking court to the west. There would be no harm to the street scene or to neighbour amenity, given the location of the site.
- 7.9 The replacement wall would be required by condition to be constructed in facing bricks to match the existing wall and house.

8.0 Conclusion

- 8.1 The erection of the proposed summerhouse would not cause any material harm to the amenities of the neighbouring occupiers, either in terms of loss of outlook from their houses or from within their gardens.
- 8.2 The proposed wall would improve the appearance of the parking court to the west of the application site and would have no visual impact on the surrounding street scene.
- 8.3 It is therefore recommended that planning permission be granted for the proposed development, subject to the conditions listed at the head of this report.