

5o E/10/0209/A–Unauthorised works to the front garden at 7 Windmill Way, Much Hadham, Herts,SG10 6BG

Parish: MUCH HADHAM CP

Ward: MUCH HADHAM

RECOMMENDATION

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the reinstatement of the front garden to its former condition.

Period for compliance: 3 months.

Reason why it is expedient to issue an enforcement notice:

The unauthorised development, by reason of the loss of soft landscaping within the site and the extent of hard landscaping carried out is detrimental to the verdant character and appearance of the locality and is thereby contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

_____ (100209.PD)

1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey extract. It comprises a terraced dwellinghouse within an established residential area on the southern side of Much Hadham village.
- 1.2 It was brought to the attention of the Enforcement team in June 2010 that the owners of the property had carried out unauthorised works within the front garden of the dwelling by way of excavating and changing the level of the land to create a hard surface for the parking of vehicles.
- 1.3 The owner was contacted and advised that the works were unauthorised and would require planning permission.

E/10/0209/A

- 1.4 On the 30th June 2010, an application for planning permission was submitted for retrospective permission for the engineering works to the front garden. After due consideration the applications were refused permission on 8th September 2010 for the following reason:-

The unauthorised development, by reason of the loss of soft landscaping within the site and the extent of hard landscaping carried out is detrimental to the verdant character and appearance of the locality and is thereby contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

- 1.5 Photographs of the site will be available at the meeting.

2.0 Planning History

- 2.1 The recent relevant planning history is as follows: -

3/10/1169/FP	Engineering operation to provide hard surfaced parking area with retaining walls. Retrospective	Refused
--------------	---	---------

3.0 Policy

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

ENV1 - Design and Environmental Quality.
ENV2 - Landscaping.

4.0 Considerations

- 4.1 The site lies within the village boundary of Much Hadham. The residential area of which it forms part remains largely unaltered with respect to its layout and landscaping. The dwellings are set back from the highway with large front lawn areas and are bounded to the front by dwarf walls that are mostly topped by well manicured hedges. This results in a strong soft landscaping element to the street scene, which in officers' opinion is a defining characteristic to the locality. When approaching the site it is noticeable that it is located on the corner of the road, highlighting the prominence of the works within the front garden.
- 4.2 Prior to the unauthorised development, the front lawn of the application site sloped down towards the pavement and was dotted with ornamental

E/10/0209/A

shrubs. Whilst not bounded by hedging, as characterised by the majority of properties within the estate, the dwelling did contribute to the soft landscaped character of the area.

- 4.3 The unauthorised development has resulted in an excavation of the front lawn to a maximum of 7.8 metres deep (from the front of the curve of the boundary to the retaining wall), incorporating the entire width of the front curtilage, and to a maximum depth of 800mm (not including the excavation required to lay the sub base for the hardstanding). Retaining walls have been constructed to the rear and sides of the proposed hardstanding to withhold the land to the rear and the neighbouring land. Brick piers have been constructed to the front of the retaining walls measuring 1.8 metres in height. Fencing has also been constructed along the side retaining walls resulting in a total height of boundary treatment of 1.8 metres. Steps have also been constructed in a semi-circular formation to the rear of the development allowing access to the remainder of the front lawn.
- 4.4 Officers consider that the amount of hard landscaping has a detrimental impact on the verdant character and appearance of the surrounding area and the loss of the lawn and existing landscaping and its replacement with this extent of hard landscaping, such as the retaining walls, steps and driveway, is contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.
- 4.5 With regard to parking standards, this development results in the creation of at least three off-road spaces and therefore the parking provision within the locality will not be affected. County Highways did not wish to restrict the grant of permission when consulted on the recent retrospective application.
- 4.6 However, the impact of the unauthorised works on the character and appearance of the area is considered to be significant and detrimental in this case.

5.0 Recommendation

- 5.1 For the above reasons, it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the reinstatement of the front garden to its former condition and levels prior to any works taking place.