

**5m E/10/0347/B – The unauthorised erection of a front boundary wall, gates and pillars with lights and a single storey front extension at 53 Orchard Road, Tewin Herts, AL6 0HL**

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**Parish: TEWIN**

**Ward: HERTFORD RURAL NORTH**

**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 works.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The front canopy extension, by reason of its size, siting and design, is unduly dominant and out of keeping with the character and appearance of the existing dwelling, and together with the extensions previously added to the property, disproportionately alters the size of the original dwelling to the detriment of the rural character of the area and is thereby contrary to policies GBC1, ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.
2. The front boundary walls, piers and gates, by reason of their siting and height are unduly prominent and out of keeping with the character and appearance of this semi rural road contrary to policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.
3. The lanterns by reason of their siting, size and height result in light pollution to the detriment of the character and appearance of the Green Belt contrary to policy ENV23 of the East Herts Local Plan Second Review April 2007.
4. The gates by reason of their siting in relation to the highway result in vehicles obstructing Orchard Road whilst waiting to enter the site, which is prejudicial to the free flow of traffic on the highway and causes an obstruction and danger to other road users contrary to policy TR2 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. It is situated on the southern edge of Tewin and within the Green Belt wherein only limited extensions are permitted to dwellings that do not cumulatively with earlier extensions disproportionately alter the size of the dwelling.
- 1.2 It was brought to the attention of the planning enforcement team in October 2010 that a front porch and boundary walls had been erected at the address without the benefit of planning permission.
- 1.3 It was noted that planning permission had been granted in 2008 under reference 3/08/0324/FP for a single storey front extension; however, the front central porch had been constructed much larger than that approved. The porch measures approximately 5m in length and 4.4m in width (22m<sup>2</sup> footprint), with a gable pitched canopy roof to a height of 3.9m. It comprises a part enclosed porch, similar in scale to that approved, but the rest of the structure is open and supported on ornate white pillars with timber cladding to the front gable.
- 1.4 The approved extension in contrast, measured only 1.2m long, 2.9m wide with a gable pitched roof to a height of 3.8m giving a total footprint of 3.5m<sup>2</sup>, enclosed on both sides with brick and was therefore, more in keeping with the scale and character of the existing dwelling.
- 1.5 The front brick boundary walls and piers range from 1m to 1.9m in height and are positioned in close proximity to the semi rural road, which is characterised by simple low front boundary treatments including low brick or stone walls, timber and hedging.
- 1.6 Following contact with the owners, they were advised that planning permission would be required for the gates and walls as well as the central porch as it had not been constructed in accordance with the previously approved plans and was therefore considered as unauthorised development.
- 1.7 In March 2011, a planning application for retrospective planning permission was submitted in an attempt to regularise the porch and walls and pillars under reference 3/11/0509/FP. After due consideration the application was refused permission on the 15<sup>th</sup> June 2011 for the following reasons;
  1. The front canopy extension, by reason of its size, siting and design,

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appears unduly dominant and out of keeping with the character and appearance of the existing dwelling, and together with the extensions previously added to the property, disproportionately alters the size of the original dwelling to the detriment of the rural character of the area. The proposal is thereby contrary to policies GBC1, ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

2. The front boundary walls, piers and gates, by reason of their siting and height appear unduly prominent and out of keeping with the character and appearance of this semi rural road contrary to policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.
3. The lanterns by reason of their siting, size and height result in light pollution to the detriment of the character and appearance of the Green Belt contrary to policy ENV23 of the East Herts Local Plan Second Review April 2007.
4. The gates by reason of their siting in relation to the highway, result in vehicles obstructing Orchard Road whilst waiting to enter the site, which is prejudicial to the free flow of traffic on the highway and causes an obstruction and danger to other road users contrary to policy TR2 of the East Herts Local Plan Second Review April 2007.

1.8 Photographs of the site will be available at the meeting.

### **2.0 Planning History:**

3/01/2016/FP	Two storey side extension and car port	Approved with conditions
3/07/1746/FP	Single storey infill extension	Approved with conditions
3/08/0324/FP	Single storey front extensions	Approved with conditions
3/11/0509/FP	Front boundary wall, gates and pillars with lights. Single storey front extension (Retrospective)	Refused

### **3.0 Policy:**

3.1 The relevant policies in this matter are:

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- GBC1 – Appropriate Development in the Green Belt
- ENV2 – Landscaping
- ENV5 – Extensions to Dwellings
- ENV23 - Light Pollution and Floodlighting
- TR2 - Access to New Developments

### **4.0 Considerations:**

- 4.1 The site lies within the Green Belt wherein only limited extensions are permitted to dwellings that do not cumulatively with earlier extensions disproportionately alter the size of the original dwelling. The main issues in this case therefore relate to the principle of the development, impact on the character and appearance of the existing dwelling, and openness of the surrounding Green Belt, highway safety, landscape issues, and neighbour amenity.
- 4.2 Permission was previously granted for single storey front extensions under planning reference 3/08/0324/FP. Although this permission was implemented and part carried out, the central front porch has been constructed much larger than that previously approved.
- 4.3 The approved extension, in contrast, measured only 1.2m in length and 2.9m in width (3.5m<sup>2</sup> footprint), with a gable pitched roof to a height of 3.8m. This was a brick built extension, enclosed on both sides, and was more in-keeping with the scale and character of the existing dwelling.
- 4.4 The existing dwelling has already been substantially extended in the past, and the porch canopy adds a further 18.5m<sup>2</sup> covered floor space to the dwelling compared to the approved scheme. The total resulting floor space increase over and above the size of the original dwelling has been calculated at approximately 140%. This more than doubles the size of the original dwelling and is considered to be disproportionate and in conflict with policies GBC1 and ENV5. The existing unauthorised canopy extension therefore represents inappropriate development in the Green Belt.
- 4.5 The front boundary brick wall, piers and gates are also considered to amount to inappropriate development in the Green Belt, as they do not fall within the specified forms of appropriate development in policy GBC1 and are harmful to the openness and visual amenities of the Green Belt contrary to PPG2. No very special circumstances are evident that clearly outweigh this in-principle harm, and other harm discussed below.
- 4.6 In terms of scale and design, the porch canopy is considered excessive

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in size and out of keeping with the character and appearance of the existing dwelling and surrounding area. It has been designed to be of mock Grecian design with a front gable feature that appears unduly dominant in relation to the dwelling. The timber clad gable is light in colour; but could easily be required to be stained to match the dwelling by way of condition should planning permission be granted. However, this is not considered sufficient to mitigate against the visual harm of this extension.

- 4.7 The new front brick boundary walls and piers range from 1m to 1.9m in height, and are positioned in close proximity to the road. The site lies in a semi-rural road characterised by simple low front boundary treatments, including low brick or stone walls, timber and hedging. There are no other similarly large walls, piers or gates within the immediate vicinity and your officers therefore consider this hard and dominant front boundary treatment to be unduly prominent and out of character with the area. During the process to consider that retrospective planning permission, concerns were raised over the use of red brick in the construction of the wall and piers. Your officers do not object to these bricks in principle; it is the height and location of the wall and piers that they consider harmful in this case.
- 4.8 A holly hedge was apparently removed to facilitate the development, and some new planting has been provided along the frontage. The Council's Landscape Officer comments that this planting is not sufficient to mitigate against the visual impact of these large brick walls, piers and gates in this lane, and would struggle to survive as it has been planted too closely.
- 4.9 Lanterns are also sited at each entrance, positioned on the 1.9m high brick piers, and again concerns have been raised over light pollution in the area. Planning officers would not object to the principle of lights at the entrance to the dwelling; however, they consider that the size of the lanterns, and their height on the brick piers exacerbate the spread of light and therefore the lights are harmful to the character of this semi-rural lane, contrary to policy ENV23.
- 4.10 In terms of highway impact, the gates are not set back a sufficient distance from the road to enable a vehicle to stand clear of the highway, and the site is positioned on a bend where visibility is restricted. Vehicles therefore cause an obstruction to other road users whilst waiting to enter the site and although the road is only a 30mph limit, it is a busy road and the bend obscures visibility. When asked to comment on the retrospective application, County Highways recommended refusal on these grounds, and requested that the gates be set back at least 6m from the edge of the carriageway. The current situation is

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therefore also unacceptable in terms of highway safety.

### **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 porch, boundary walls, pillars, gates and lights and all resultant material from the site.