

WELWYN HATFIELD COUNCIL
PLANNING CONTROL COMMITTEE – 05 July 2007
REPORT OF THE CHIEF PLANNING AND ENVIRONMENTAL HEALTH OFFICER

- A) S6/2007/721/FP
- B) Enforcement Ref. 07/072

17 DAISY DRIVE, hatfield

erection and re-alignment of side boundary fence and change of use of land to amenity land

APPLICANT: Mr and mrs macnaughton

(Hatfield North)

1 Site Description

- 1.1 The application site is located on the western side of Daisy Drive, which is a recent residential development built on land to the north of Manor Road and west of Hatfield Garden Village. Daisy Drive is surrounded by similarly recently constructed terraced, detached and semi-detached dwellings permitted as part of schemes for wider residential development.
- 1.2 The property in question is an end-of terraced red brick with brown tiled roof and a gabled roof design. It is situated on an irregular shaped plot with parking to the front of the site. There is an existing close-boarded timber fence fronting the site boundary on the southern elevation.

2 The Proposal

- 2.1 The application seeks permission for relocation of a replacement close-boarded timber fence of approximately 2.0 metres in height to be erected along the southern site boundary.
- 2.2 The previous landscaping strip adjoining the side (west) boundary has been removed and the fence relocated to increase the amenity space to the rear garden. Consequently, the proposal also seeks a change of use from amenity land to residential.

3 Planning History

- 3.1 Permitted Development rights for Classes A, B, C, D, F, S2 and P1 have been removed.
- 3.2 There is no other relevant planning history to date.

4 Planning Policy

- 4.1 Welwyn Hatfield District Plan 2005

GPSP2 Towns and Specified Settlements

D1 Quality of Design

D2 Character and Context

D3 Continuity and Enclosure

4.2 Supplementary Planning Guidance -Hatfield Aerodrome, November 1999

4.3 Supplementary Design Guidance, February 2005

5 Representations Received

5.1 The application has been publicised by way of one neighbour notification to 19 Daisy Drive and a site notice. Statutory period expired on 08/06/2007. Three representations have been received. The main issues are:

- Visual impact of the fence on the character of the surrounding area-differing colour and type between sections
- Loss of landscaping is very unattractive and has a detrimental impact on street scene

5.2 Hatfield Town Council has not commented on the proposal to date.

6 Discussion

This application is being referred to Committee as it is being considered in parallel with a recommendation for enforcement action.

The main issues are:

- 1) Design on character of area
- 2) Amenity
- 3) Highways

Design

6.1 Policies D1 (Quality of Design), D2 (Character and Context) and D3 (Continuity and Enclosure) of the Welwyn Hatfield District Plan 2005 relate to any new development. In addition, the Supplementary Planning Guidance for the Hatfield Aerodrome relates to the development at this locality.

6.2 Policy D1 (Quality of Design) requires that the standard of design for all new development be of a high quality. The fence is a close-boarded timber type of approximately 2.0 metres in height. This is considered to be of an acceptable design as it is similar to the previous design, therefore it would maintain the quality of the existing environment and be appropriate to the setting. The colour, type and height would be similar to the existing fence and those within close vicinity of the site.

6.3 Policy D2 (Character and Context) requires that all new development respects and relates to the character and context of the area in which it is proposed. The

relocation of the fencing would not contribute to the existing street layout and pattern and form of building and use of space as it results in the loss of important open space in the form of landscape strips, which were part of the original planned development. Considering, that there are limited landscape strips within this particular locality of the Hatfield Aerodrome site, it is crucial to maintain any existing ones.

- 6.4 Policy D3 (Continuity and Enclosure) requires that all new development incorporate the principles of continuity and enclosure to distinguish between public and private spaces. The fence clearly identifies the enclosed private space of the dwelling, however the relocation of the fence does not relate to the line of buildings within the street or provide an active and continuous street frontage as a large proportion of landscaping, which was accounted for within the original urban design of the Hatfield Aerodrome site would be lost.
- 6.5 The urban design based objectives for the Hatfield Aerodrome site included those to “promote a development that is ‘people friendly’, create a built form that utilises buildings, trees, hedgerows and walls to enclose identifiable spaces of a human scale and local character and to achieve a consistently high standard of layout and design”.
- 6.6 In paragraph 13.20 of the Supplementary Planning Guidance it was stated that the arrangement of buildings and enclosures should be considered first, followed by highway engineering requirements. Consideration was also given to create high quality streets and squares. Consequently the overall objective was for the creation of a network of spaces rather than a hierarchy of roads; a layout of development in which roads play their part but are not dominant. The objectives were met by the introduction of regular open spaces and numerous landscaping strips to maintain an attractive green environment. Therefore, it is essential that road verges and attractive landscaping are maintained to enhance and contribute to the sense of space. The proposal at 17 Daisy Drive would involve the loss of an important feature of the original design of the Hatfield Aerodrome site, and as such would conflict with the purposes stated within the Supplementary Planning Guidance.

Amenity

- 6.7 It is considered that the relocation of the fence would not have a detrimental impact on residential amenity in relation to sunlight/daylight, loss of privacy. However, the relocation of the fence has a greater visual impact on passers by in relation to dominance and overbearing as it has been relocated within closer proximity to the public footpath and the landscaping strip, which previously softened the visual appearance has been removed.

Highways

- 6.8 With regard to highway safety, Hertfordshire Highways were not consulted on the application. However, due to its location, it is not considered that the relocation of the fence would have an impact on visibility splays as the site is not on a corner.

7 Human Rights Considerations

- 7.1 It is important that the Local Planning Authority considers the implications of the Human Rights Act 1998. The following articles are considered relevant in this situation:

- Part 1 Article 8 the right to respect for private and family life, home and personal

correspondence.

- Part 2 Article 1 of First Protocol the right to protection of property, including peaceful enjoyment of possessions.

7.2 The local planning authority must consider these articles when making its decision. However both Article 8 and Article 1 of the First Protocol can be interfered with where there is the need to consider the general interest and the rights and freedoms of others. In planning terms, where development infringes or effects the rights and freedoms of others then the LPA needs to consider if the needs of the community are greater than the needs of the individual in question.

7.3 In planning terms, where development infringes or effects the rights and freedoms of others then the LPA needs to consider if the needs of the community are greater than the needs of the individual in question.

7.4 In this case it is considered that the breach of planning control through the relocation of the fence has had a significant harmful impact on the character, appearance and visual amenity of the area. It is considered that the rights of the community in this situation are infringed and enforcement action is warranted to control development in accordance with the general public interest.

8 Conclusion

8.1 The replacement fence appears to be acceptable and in keeping in relation to design principles, however the relocation of the fence is unacceptable and considered to be detrimental to the visual appearance of this locality, therefore it fails to comply with the relevant policies of the Welwyn Hatfield District Plan 2005 and Hatfield Aerodrome Supplementary Planning Guidance.

9 Planning Recommendation Refusal and Reason(s)

1. The relocation of the fence results in the loss of a feature of the original Hatfield Aerodrome site development, namely a landscape strip, which is an important feature in enhancing and maintaining the visual amenity and creation of space within the development, and as such, is contrary to policies D2 and D3 of the Welwyn Hatfield District Plan 2005 and Hatfield Aerodrome Supplementary Design Guidance 1999.

10 Enforcement Recommendation

10.1 That the Chief Planning and Environmental Health Officer be authorised to issue an enforcement notice under section 172 of the Town and Country Planning Act 1990 to cause the relocation of the fence and reinstatement of the landscaping strip and to take any other legal action, including prosecution proceedings if necessary to rectify the breach of planning control

11 Remedy Required

11.1 Relocation of the fence and reinstatement of the landscaping strip.

12 Time Limit

12.1 Six months is sufficient to enable the necessary arrangements to be made for the relocation of the fence and reinstatement of the landscaping strip including tree.

Chris Conway, Chief Planning and Environmental Health Officer
Date: 19 June 2007



<p>Council Offices, The Campus, Welwyn Garden City, Herts. AL8 6AE</p>	<p>Title: 17 Daisy Drive, Hatfield</p>	<p>Scale:</p>
	<p>Project:</p>	<p>Date: 25th June 2007</p>
<p>Drawing Number: S6/2007/721/FP</p>		<p>Drawn: Rita Core</p>
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