

23. 17 DAISY DRIVE, HATFIELD - ERECTION AND RE-ALIGNMENT OF SIDE BOUNDARY FENCE AND CHANGE OF USE OF LAND TO AMENITY LAND (S6/2007/721/FP):

(Hatfield North)

The report of the Chief Planning and Environmental Health Officer related to the relocation of a fence to enclose public amenity space within the garden of this property. The report explained that the original design of the Hatfield Aerodrome development incorporated such landscape strips intended to maintain an attractive green environment within the development. The report concluded that the loss of the landscape strip was therefore harmful to the visual appearance of the locality and recommended refusal of the application.

The report also recommended that enforcement action be taken in respect of the unauthorised relocation of the fence.

Mr.M.MacNaughton, the applicant, spoke in support of the application.

Councillors S.Smith commented that he had some sympathy with the applicant's wish to enclose the space in order to protect his home and garden from anti-social behaviour and that he felt that the amenity of the applicant was disproportionately affected by the position of the landscape strip.

The Chief Planning and Environmental Health Officer explained that, although the design of the estate incorporated areas of open land, builders had in many cases conveyed to the purchasers of dwellings not only the dwelling and garden land but also the adjacent open amenity space which had been designed to remain in the public domain. It had been intended that there would be planting on the public side of boundary fences and the Council was, where possible, taking action to require builders to comply with landscaping requirements. It was clarified that in this case, however, the land in question had been conveyed to the applicant and was his responsibility.

In reply to a question on whether there was any scope to negotiate with the applicant on measures to ameliorate the anti-social behaviour, the Head of Development Control said that it might be possible to agree not to insist on the restoration of the original planting but on the introduction of planting which would prevent nuisance on the strip of land.

The recommendations in the report were put to the Committee and it was

RESOLVED:

(11 voting for, 3 against)

- (1) That planning permission be refused in respect of application S6/2007/721/FP for the reason set out in paragraph 9 of the report of the Chief Planning and Environmental Health Officer.
- (2) 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, with a time limit of six months as set out in the report.

Meeting ended 8.30pm  
ME