



PLANNING, DESIGN & ACCESS STATEMENT

PROPOSAL: RETENTION OF EXISTING BOUNDARY FENCE

AT

New Lodge, Dunstable Road, Markyate, St Albans, Hertfordshire, AL3 8QJ

August 2023

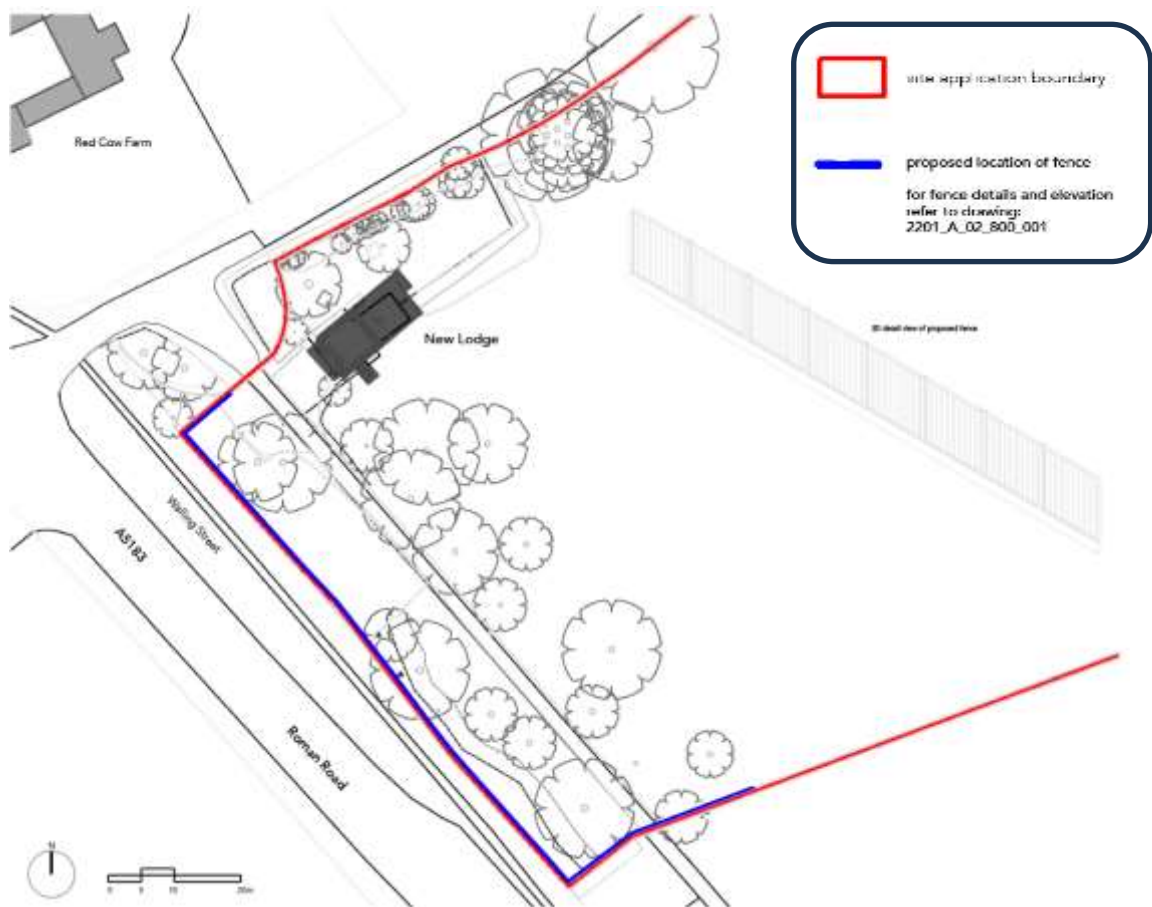
RJS PLANNING

T: 0208 3543582 M: 07884 138682 E: info@rjsplanning.co.uk
RJS Planning. 15 Vale Court, Ealing Road, Brentford, TW8 0LN

1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Mr Adrian Mateas, in support of a planning application for the retention of an existing boundary fence on land at New Lodge on Dunstable Road in St Albans.

1.2 The applicant installed the fence in December 2022 in order to protect his family, property and belongings due to ongoing issues relating to the impacts from crime. The applicant did not intentionally set out to contravene planning regulations and had he known planning permission was required and application would have been submitted prior to the installation. This application is therefore submitted retrospectively.



Proposed location of fence

1.3 The following statement will demonstrate that the proposal would not conflict with the aims of the NPPF (2021), the Dacorum Local Plan (2004) and the Dacorum Borough Council Core Strategy (2013).

RJS PLANNING

2.0 THE SITE



Application site and surrounding area

- 2.1 The application site is located in the north-western corner of grade II listed Markyte Cell Park. The site lies within a rural area within the Chilterns Area of Outstanding Natural Beauty.
- 2.2 The site is approximately 2,800m² and contains a one and half storey-detached dwelling, with a thatched roof that was built in the 1920s and has been subject to past extensions and alterations.



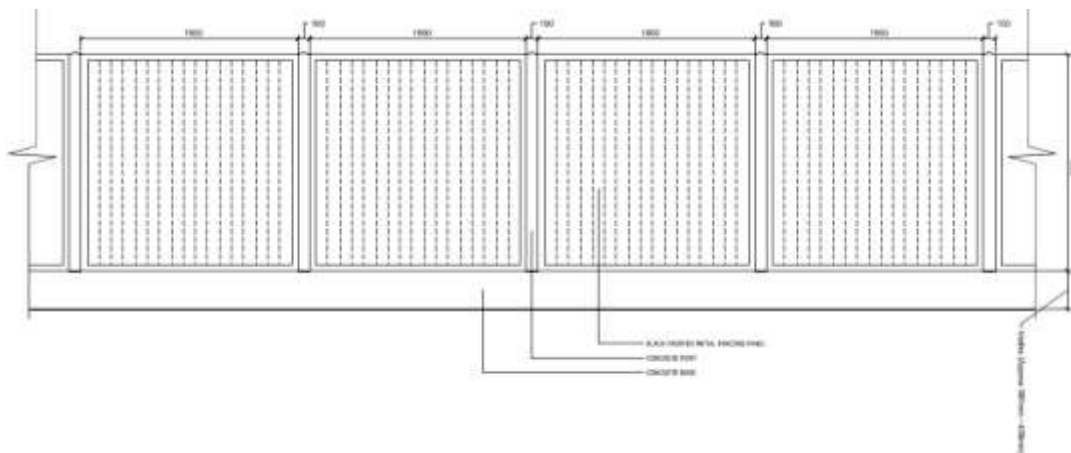
Application site

RJS PLANNING

T: 0208 3543582 M: 07884 138682 E: info@rjsplanning.co.uk
RJS Planning, 15 Vale Court, Ealing Road, Brentford, TW8 0LN

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The application seeks planning permission for the retention of an existing boundary fence on land at New Lodge.
- 3.2 The fence extends for approximately 66m along the A5183 boundary and measures 1.8m high.
- 3.3 The 1.8m high fence comprises a concrete base and posts with black painted metal fencing panels which are 1.8m wide. The fence is constructed from high quality materials which complement the site.



Proposed fence

4.0 RELEVANT PLANNING POLICY

- 4.1 The following paragraphs provide a brief summary of the relevant local policies and the relevant guidance within the National Planning Policy Framework. The paragraphs are in a hierarchical order relative to national and local planning policy.

National Planning Policy Framework (NPPF) 2021

- 4.2 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this application.

Presumption in Favour of Sustainable Development

- 4.3 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

Decision-making

- 4.4 Paragraph 38 states that Local planning authorities should approach decisions on proposed development in a positive and creative way.

Achieving well-designed places

- 4.5 Section 12 of the NPPF refers to design, with paragraph 126 describing how the Government attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.6 Paragraph 130 states that planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Conserving and enhancing the historic environment

- 4.7 Section 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 197 sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
- 4.8 Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 4.9 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its

setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

4.10 Paragraph 201 states where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

4.11 Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use.

4.12 Local planning authorities should look for opportunities for new development within conservation areas and world heritage sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements to the setting that make a positive contribution to the asset should be treated favourably.

Dacorum Core Strategy September 2013

4.13 The purpose of the Core Strategy is to anticipate and manage change in Dacorum over the years to 2031. It needs to balance the need for new development and infrastructure against the need to maintain the environmental assets and unique character of the borough. Policies CS7, CS12, CS24, CS25 and CS27 are considered relevant.

Policy CS7: Rural Area

- 4.14 Within the Rural Area, small-scale development will be permitted: i.e.
- (i) for the above uses;
 - (ii) the replacement of existing buildings for the same use;
 - (iii) limited extensions to existing buildings;
 - (iv) the appropriate reuse of permanent, substantial buildings; and
 - (v) the redevelopment of previously developed sites* provided that:
 - i. it has no significant impact on the character and appearance of the countryside; and
 - ii. it supports the rural economy and maintenance of the wider countryside.

Policy CS12: Quality of Site Design

- 4.15 On each site development should:
- a) provide a safe and satisfactory means of access for all users;
 - b) provide sufficient parking and sufficient space for servicing;
 - c) avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties;
 - d) retain important trees or replace them with suitable species if their loss is justified;
 - e) plant trees and shrubs to help assimilate development and softly screen settlement edges;
 - f) integrate with the streetscape character; and
 - g) respect adjoining properties in terms of:
 - i. layout;
 - ii. security;
 - iii. site coverage;
 - iv. scale;
 - v. height;
 - vi. bulk;
 - vii. materials; and
 - viii. landscaping and amenity space.

Policy CS24: The Chilterns Area of Outstanding Natural Beauty

- 4.16 The special qualities of the Chilterns Area of Outstanding Natural Beauty will be conserved. The scarp slope will be protected from development that would have a negative impact upon its skyline. Development will have regard to the policies and

actions set out in the Chilterns Conservation Board's Management Plan and support the principles set out within the Chilterns Buildings Design Guide and associated technical notes.

Policy CS25: Landscape Character

- 4.17 All development will help conserve and enhance Dacorum's natural and historic landscape. Proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character and condition and take full account of the Dacorum Landscape Character Assessment, Historic Landscape Characterisation and advice contained within the Hertfordshire Historic Environment Record.

Policy CS27: Quality of the Historic Environment

- 4.18 All development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced. Development will positively conserve and enhance the appearance and character of conservation areas. Negative features and problems identified in conservation area appraisals will be ameliorated or removed. Features of known or potential archaeological interest will be surveyed, recorded and wherever possible retained. Supplementary planning documents will provide further guidance.

Dacorum Local Plan (2004)

- 4.19 Saved policy 99 is considered relevant.

Policy 99: Preservation of trees, hedgerows and woodlands

- 4.20 Encouragement will be given to the preservation of trees, hedgerows and woodlands (including old orchards) throughout the Borough. Where new development is proposed a high priority will be given to their retention and to their protection during development.

5.0 THE PLANNING CASE

Introduction

5.1 This section will demonstrate that the proposed development would not conflict with the overall aims of national or local planning policy.

5.2 As such, the main considerations in the assessment of this application relate to:

- Impact on the rural area
- Design, character and appearance
- Impact on heritage assets
- Impact on trees

Impact on the rural area

5.3 Core Strategy policy CS7 (Rural Area) states that small-scale development will be permitted.

5.4 In this instance the development proposes the installation of a fence along the south west boundary of the site which borders the A5183.

5.5 The proposed fence extends 66m along the boundary and consists of 1.8m high concrete bases and posts with black painted metal fence panels between.

5.6 Tall boundary fences are not uncommon in the area and are essential to protect individuals and their possessions from the effects of rural crime. The development is of a small-scale that has been sensitively designed to meet the long-term needs of the occupiers of the property.

5.7 In summary, the proposed development has an acceptable impact on the rural area and would comply with the overall aims of Core Strategy policy CS7.

Design, character and appearance

5.8 Paragraph 126 of the NPPF states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

5.9 Paragraph 130 of the NPPF requires LPAs to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local

character and history, including the surrounding built environment and landscape setting.

- 5.10 Paragraph 130 f) goes onto state that development should (our emphasis) ***“create places that are safe, inclusive an accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”***.
- 5.11 Core Strategy policy CS12 (Quality of Site Design) requires development to integrate with the streetscape character and respect adjoining properties in terms of layout, security, site coverage, scale, height, bulk, materials, and landscaping and amenity space.
- 5.12 To recap, the proposed fence is required in order to improve security at the site. The site has been subject to trespass and thefts with some of those incidences reported to the police. The fence now represents a physical barrier and as a result has had the desired effect in reducing unwanted activity in and around the site.
- 5.13 As shown below the proposed fence at 1.8m tall is of a modest height that does not appear out of place in this setting. The fence panels will be painted black and therefore would not appear prominent in views from the adjacent highway due to their position between the existing mature trees and shrubbery.



Image dated April 2023

- 5.14 When the trees and shrubs are in full leaf the fence due to the screening would not be visible from the public realm.
- 5.15 Nonetheless, the height and scale of the fence respects the prevailing pattern of development upon this section of Dunstable Road. The following image illustrates a high boundary fence at the entrance to the Imperial Stone Group opposite the application site.



Tall boundary fence at Imperial Stone Group

- 5.16 In summary, the proposed fence is of a suitable quality, design, height, and scale to complement the setting and the streetscape character. Any negligible impacts created by the development are significantly and demonstrably outweighed by the positive impacts on occupant safety and a reduction in the fear of crime.
- 5.17 Therefore, the development would comply with the overall aims of the NPPF and with Core Strategy policy CS12.

Impact on heritage assets

- 5.18 As described in section 16.0, the NPPF sets out that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability to ensure new development makes a positive contribution to local character and distinctiveness. Therefore, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and if a proposed development would lead to the substantial harm of a heritage asset it should be refused.
- 5.19 The NPPF does not define "substantial harm", but it is widely accepted as including the total loss of a heritage asset, or fundamental compromise of its significance by

means of extensive physical alterations, or inappropriate development within its setting. Such an impact can only be justified on the grounds that the harm is necessary to deliver important public benefits outweigh the value of the heritage asset. In these terms the applicant asserts that the proposed fence on the grounds of New Lodge would not result in “substantial harm” to the heritage asset. Where proposals would lead to harm this should require clear and convincing justification. For proposals that lead less than substantial harm, this harm should be weighed against the public benefits of the proposal, where appropriate.

- 5.20 Core Strategy policy CS27 (Quality of the Historic Environment) states that the integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.
- 5.21 New Lodge is not nationally or locally listed, and its heritage significance derives from its original association with Markyate Cell Park (a Grade II listed park and garden) and Cell Park country house (Grade II* listing). However, the original site of Markyate Cell Park has since been subdivided and New Lodge is contained within its own plot and is therefore, no longer within the curtilage of Cell Park country house. The Markyate Cell Park and Cell Park house are privately owned and not open to the public.
- 5.22 The proposed development by virtue of its location on the periphery of the park would not undermine the significance or setting of the country house. The separation distance of over 600m, the topography of the area and the screening created by the mature trees which occupy the site ensure that the fence would not be seen in context with the heritage asset.
- 5.23 The proposed fence would also be separated from the entrance gates to the Park on Dunstable Road by approximately 160m and therefore, the development would not compete with or overwhelm these existing features.



Entrance to Markyate Cell Park on Dunstable Road

- 5.24 Any perceived impact on the heritage assets would be at the lower range of less than substantial harm. In these instances, the NPPF states at paragraph 202 that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
- 5.25 As stated, the benefits of the development including reducing the impacts and fear of crime which have both a private and public benefit. The development would assist to fulfil the host property’s use as a single family home and therefore, the less than substantial harm would be outweighed.
- 5.26 In summary, the proposed fence would preserve the integrity, setting and distinctiveness of the designated and undesignated heritage assets. Thus, the development would comply with the overall aims of the NPPF and with Core Strategy policy CS27.

Impact on Trees

- 5.27 Core Strategy policies CS12 (Quality of Site Design), CS24 (The Chilterns Area of Outstanding Natural Beauty) and CS25 (Landscape Character) seek to retain the special qualities and natural landscape character of the area by retaining important trees.
- 5.28 Saved Local Plan policy 99 (Preservation of trees, hedgerows and woodlands) states that encouragement will be given to the preservation of trees, hedgerows and woodlands throughout the borough.
- 5.29 The proposed fence would be positioned along the south western boundary line between the existing mature trees and shrubbery.
- 5.30 By reason of the limited groundworks necessary to facilitate the development it would not result in harm to or the loss of any important trees. Moreover, the trees effectively screen the development from the wider area and as a result the landscape character of the Chilterns AONB would be preserved.
- 5.31 In summary, the proposed development would comply with the aims of Core Strategy policies CS12, CS24 and CS25, and saved Local Plan policy 99.

6.0 CONCLUSION

- 6.1 The proposed fence has been sensitively designed and positioned to ensure that it would preserve the character and quality of the rural area, the host dwelling and the setting of the designated and non-designated heritage assets.
- 6.2 The development would also not impact on the future health of the existing trees or result in their removal thus, preserving the landscape character of the area.
- 6.3 Any perceived impacts would be outweighed by the benefits of the proposal in securing the site to mitigate impacts of crime which has been affecting the lives of the applicant and his family.
- 6.4 Therefore, the scheme would adhere with the aims of the NPPF, policies CS7, CS12, CS24, CS25 and CS27 of the Dacorum Core Strategy September 2013 and saved policy 99 of the Dacorum Local Plan (2004).
- 6.5 Mindful that the National Planning Policy Framework (NPPF) states that decision-makers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development, for the above reasons, it is politely requested that this application is granted planning permission at the earliest opportunity with any conditions deemed appropriate to the circumstances of this case.