
Appeal Decision

Site visit made on 30 August 2016

by D M Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st September 2016

Appeal Ref: APP/K2420/D/16/3155176

1 Cumbrae Drive, Hinckley, Leicestershire LE10 0SL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Colin Varney against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 16/00191/HOU, dated 28 February 2016, was refused by notice dated 6 May 2016.
 - The development proposed is the extension of rear garden area and erection of fence.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development from the Appeal Form as this is more succinct than the version provided on the Application Form.
3. Following determination, the Council adopted the "*Site Allocations and Development Management Policies DPD 2016*" (the DMP) on the 12 July 2016. Policy DM 10 of this document replaces Policy BE1 of the Local Plan 2001. This does not change the Council's position in relation to the appeal scheme. I have determined the appeal accordingly and there is no prejudice to the interests of any party in doing so.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

5. The proposal seeks permission to enclose the side garden to 1 Cumbrae Drive with a timber fence. The appeal property occupies a corner plot within a planned estate development. Due to its siting the fence would be seen primarily in the context of Outlands Drive, the main spine road running through the estate.
6. The surrounding area is notable for its spacious character which stems from open fronted dwellings which are set back generously from a wide highway corridor. The prevalence of grass verges and open side gardens also make a significant contribution in this regard. The appeal site is one such area that contributes positively to the character and appearance of the area.

7. The enclosure of the appeal site with a 2 metre high timber fence would completely change the appearance of the land and in so doing would diminish the positive contribution it makes to the spacious character of the Outlands Drive street scene. Its height and siting close to the footway would be an incongruous and prominent visual feature unlike any other in view. Particularly when viewed from Outlands Drive, the result would be a section of road frontage with a stark visual appearance that would contrast markedly with its surroundings.
8. Accordingly, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with the objectives of Policy DM10 of the DMP and the *National Planning Policy Framework* which collectively seek to secure high quality design that complements or enhances the character of the surrounding area.
9. In coming to that view, I accept that the appearance of the timber panels would soften over time with weathering. However, it is the siting, height and overall appearance of the fence including the concrete elements that are the issue. I am not therefore persuaded that the harm I have identified would be mitigated by the passage of time.
10. Finally, the appellant has referred to other structures in the vicinity. Whilst boundary treatments have been erected to some side gardens, these tend to be low post, wire or timber fences or hedges, the appearance of which tends to be in keeping with the character of the estate. Even in the event they benefit from planning permission, they therefore afford no precedent for the appeal scheme. Given that the value of comparison in this instance is of little consequence, I have assessed the scheme before me purely on its own merits.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

D. M. Young

Inspector