
Appeal Decision

Site visit made on 8 November 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 16 November 2016

Appeal Ref: APP/R1038/W/16/3156221

Land to the east of Hardwick Drive, Arkwright Town, Derbyshire

- 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 Oakleigh Homes Ltd against the decision of North East Derbyshire District Council.
 - The application Ref 16/00328/FL, dated 22 March 2016, was refused by notice dated 10 June 2016.
 - The development proposed is the erection of a boundary timber fence and landscape bund.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a boundary timber fence and landscape bund at Land to the east of Hardwick Drive, Arkwright Town, Derbyshire in accordance with the terms of the application, Ref 16/00328/FL, dated 22 March 2016, and the plans submitted with it, subject to the following condition:
 - 1) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the next planting and seeding seasons. Any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Procedural matter

2. I note from the planning application and my observations on site that the application is retrospective. The boundary timber fence and landscape bund have been erected. I also note that there are some minor differences between the bund that has been erected and the one which has previously been approved by the local planning authority. I have dealt with this appeal on the basis of the scheme that has been implemented on site.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is part of a recently approved, and almost completed, residential development comprising 18 semi-detached and detached properties.
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The site is sloping with the south east corner being the highest and most prominent on the approach from the east.

5. There is a variety of boundary treatments across the site, including low and high brick walls and fencing. The scheme of boundary treatments for the site required by a condition of planning permission reference NED/13/008704 has not been discharged by the Council. The current appeal relates to a section of 1.8 metre high vertical timber boarding screen fence and a bund that have both already been erected along the southern and eastern boundaries of the residential plots. It is proposed to landscape the bund in accordance with a previously approved landscaping scheme.
6. The fence has been erected in an elevated position. Although the section along the southern boundary of the site is clearly visible by traffic passing along the adjacent highway, only the top part of the eastern boundary adjacent to Plots 8 and 9 is visible above the top of the bund. I noted on site that the approved landscaping scheme for this part of the development has not yet been implemented. The scheme includes a mix of native tree and shrub planting with meadow wild flowers and grasses. I am satisfied that, although the bund does not entirely screen the fence along the eastern boundary, in combination with the landscaping, this part of the boundary fence will be largely screened.
7. The southern boundary of the site will also be landscaped with native tree and shrub mix, tree planting and meadow wild flowers and grasses. Although in time the landscaping will soften the boundary, given its relationship to the adjacent highway parts of it will inevitably remain visible.
8. The timber fencing does contrast with the adjacent low brick wall along the front boundary of Nos 105 and 107 Chesterfield Road. However, the relationship between these properties and the road are very different to those where the high timber fence has been erected. I do not find that the fence is unduly stark or intrusive in relation to the adjacent low brick wall or the setting of the residential development. Rather, I find it to be suitable in terms of its design and function to screen private amenity spaces and provide sound attenuation from the adjacent road. It seems to me that the fence would not harm the natural environment any more than other accepted boundary treatments in the vicinity of the site or fail to deliver a residential development of good design that respects its surroundings.
9. The bund would over time soften the effect of the residential scheme on its surroundings. As such, the bund is considered to be acceptable, subject to the implementation of the previously approved landscaping scheme.
10. I conclude that the proposal would not harm the character and appearance of the area. Therefore it is in accordance with the design provisions of Policies GS5, BE1 and H12 of the North East Derbyshire Local Plan Adopted November 2005 and the National Planning Policy Framework.

Conditions

11. In accordance with the request of the local planning authority I have attached a condition that requires the approved landscaping scheme to be carried out in the next planting and seeding seasons. The condition also makes provisions for replacement planting. This is in the interests of protecting the character and appearance of the area.

Conclusion

12. For the above reasons and taking account of other matters raised I conclude that the appeal should be allowed.

Alastair Phillips

INSPECTOR