
Appeal Decision

Site visit made on 4 January 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 10th January 2017

Appeal Ref: APP/B3030/D/16/3163383

16 Fairway, Newark-on-Trent, Nottinghamshire, NG24 4RG

- 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 Mrs Andrea Ferguson against the decision of Newark & Sherwood District Council.
 - The application Ref: 16/01421/FUL dated 28 August 2016, was refused by notice dated 21 October 2016.
 - The development proposed is 'replacement of 2m hedge with lattice top fence (1.8m at highest point), and replacement gate to match the fence'.
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Decision

1. I allow the appeal, and grant planning permission for 'replacement of 2m hedge with lattice top fence (1.8m at highest point), and replacement gate to match the fence' at 16 Fairway, Newark-on-Trent, Nottinghamshire, NG24 4RG in accordance with the terms of the application, Ref: 16/01421/FUL dated 28 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan received by the Council on 31 August 2016; Aerial Plan A received by the Council on 31 August 2016, and details showing the 'Sussex Wave' fence and gate details received by the Council on 6 September 2016.
 - 3) No development shall take place until the finished treatment and colour of the fence and gate have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issue

2. I consider the one main issue in this case is the effect of the proposal on the street scene in Fairway and Peebles Road and the character and appearance of surrounding residential area.

Reasons

3. The treatment of front boundaries in the area is very varied, with low open fences, brick walls, higher solid fences and hedges of various kinds. There is no overall consistency or uniformity and at my site visit I noted a number of fences of similar height and materials to the appeal proposal, including

examples on corner plots at the Fairway/Riverside Road junction and elsewhere. Taken together these varied boundary treatments are part of the established character of the area.

4. Core Policy 9 of the *Newark and Sherwood Core Strategy* 2011 (CS) requires development to achieve a high standard of sustainable design appropriate in scale and form to its context. Policies DM5 and DM6 of the *Allocations and Development Management Development Plan Document* 2013 (DPD) require proposals to reflect local distinctiveness and respect the character of the area. I have also been referred to the Council's *Householder Development Supplementary Planning Document* 2014 (SPD). Paragraph 8.20 says the scale, height and materials of boundary treatment should be in keeping with the character and appearance of the dwelling and area, should not be too obtrusive (particularly on corner plots), and should not create an oppressive appearance.
5. Given the range and variety of boundary treatments in the area, I do not agree with the Council that the proposed fence would be an unacceptable visual intrusion or unacceptably oppressive. I consider that its materials, height and neat design would be appropriate in this context, and not out of keeping with the appearance of the street scene. Although the existing occupier clearly keeps the hedge very well maintained, I recognise that this might not necessarily be the case in the future. I also accept that a lower fence or a post and rail arrangement would not provide the same degree of privacy as a taller fence, especially on this exposed corner plot with roads on two sides.
6. Overall on this issue I consider that the proposed fence and gates would not significantly harm the street scene in Fairway and Peebles Road and the character and appearance of the surrounding residential area. As such, I find no conflict with the relevant criteria of CS Core Policy 9, DPD Policies DM5 and DM6, and advice in the SPD.
7. I have considered the conditions put forward by the Council in the light of the advice in the Government's *Planning Practice Guidance* (PPG). A condition requiring details of the finish and colour of the fence is necessary in the interests of the appearance of the area. For the avoidance of doubt and in the interests of proper planning a condition is also needed to secure compliance with the submitted plans.
8. For the reasons given above and having regard to all other matters raised, I consider that the appeal should be allowed.

Nigel Harrison

INSPECTOR