
Appeal Decision

Site visit made on 31 January 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 14th February 2017

Appeal Ref: APP/P4415/W/16/3159978

21A Broom Lane, Broom, Rotherham, S60 3EL

- 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 Miss Butler against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2016/0855, dated 29 June 2016, was refused by notice dated 26 September 2016.
 - The development proposed is the erection of a 3 foot wall/3 foot fence adjacent to public highway (front facing boundary of 21 and 21A Broom Lane).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although the walls have been constructed, the proposed fencing, pillars and gates have not been erected and so I will continue to refer to the scheme overall as a proposal.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site includes 21 Broom Lane which is a semi-detached house and neighbouring No 21A which is a recently constructed detached house. They share an access from Broom Lane. The surrounding area is residential and characterised by similar properties on the east side of Broom Lane which is a wide tree lined road.
5. The proposal seeks the erection of a front boundary wall with timber boarding inserts between the proposed pillars. The wall is already in place and is around 914 mm high. The Council raises no objections to this element of the scheme and regards it to be permitted development. The proposed timber fence panels would be about 914 mm high and positioned above the wall to bring the overall structure to a total height of around 1.8 metres. The vertical timber boards proposed would match the existing fencing to the front flank boundaries of the site. The centrally located oak gate would be some 4.5 metres wide and 1.9 metres high.

6. There is a variety of boundary treatments on Broom Lane in the vicinity of the appeal site. The appellant refers to Nos 23a and 24 both of which have timber fencing behind low brick walls to their front and side boundaries. She also draws my attention to the high timber gates at No 11. Although I understand that they do not have planning permission they appear to have been in place for some time and I accept that these examples are of a similar height to the boundary enclosures proposed and have established low walls with fencing above and tall timber gates as existing features in the area.
7. That said, these examples differ from the proposal before me. In contrast to the appeal site, Nos 23a and 24 occupy corner plots. The gate at No 11 is relatively narrow and, with a staggered wall and vegetation to either side it, does not cover much of the site frontage. Moreover, to my mind, these examples are the exception rather than the rule in this part of Broom Lane. Overall, in the vicinity of the appeal site the street is predominantly characterised by more open frontages with vegetation behind generally modest front boundary enclosures.
8. In this context, the proposal would introduce an unusually tall and completely solid boundary enclosure incorporating timber fencing and gates that would entirely screen the appeal site and block views of the fronts of the two houses there from street level. It would be located in a prominent position at back edge of pavement close to the road and would cover a considerable stretch of frontage in Broom Lane (estimated by the Council to be a total length of some 17 metres including the large gate which would be some 4.5 metres wide). This being so, as a whole the proposal would be seen as a substantial and oppressive feature that would appear unduly dominant in the street scene and detract from the character and appearance of the locality.
9. The appellant considers that the appeal scheme would be of a higher quality and better installation than those at Nos 11, 23a and 24. However, even taking this into account, I consider that these existing developments serve to show how unsatisfactory the appeal scheme would be and so justify the Council's concern to avoid more of them.
10. Alternative boundary treatments were discussed with the appellant during the consideration of the planning application. The Council would accept the use of iron railings instead of the proposed fence panels. Although the appellant considers the Council's approach to be inflexible, I concur with its view that more permeable railings would appear as a less solid and substantial feature that would be more in-keeping with the street scene as a result. Whilst I note the appellant's opinion that the only railings nearby are opposite the appeal site at The Limes, I saw at my visit that No 5 also has railings and gates.
11. I therefore conclude on the main issue that the proposal would be harmful to the character and appearance of the surrounding area. This would be contrary to Policy CS28 of the Rotherham Local Plan Core Strategy which seeks to ensure that developments should be responsive to their context and visually attractive as a result of good architecture and appropriate landscaping, and design should take all opportunities to improve the character and quality of an area and the way it functions.
12. The proposal would also be at odds with the Council's Interim Planning Guidance Householder Design Guide which advises in respect of boundary walls and fences that careful consideration of the location and choice of materials

should be used as the wall or fence can have a significant effect on neighbours' properties and can be a prominent feature in the street scene. Furthermore it would fail to align with paragraph 56 of the National Planning Policy Framework which requires good design, or with its core planning principle to always seek to secure high quality design.

Other matters

13. The appellant considers that fence panels without gaps are required for security reasons, and also for the safety of dogs that will be kept at the appeal site as well as for the safety of passers-by. These are benefits of the scheme. However, I note the Council's argument that that the appeal site has secure amenity space to the rear of the properties and share its view that an alternative less visually intrusive scheme could equally provide such security and safety benefits.
14. The appellant objects to the Council's extension of the consultation period for the planning application and considers it to be an unfair abuse of procedure. This is a matter between the appellant and the Council. Even though I have had regard to the objections raised by local residents, these are not in themselves a reason to resist planning permission and I confirm that I have considered the appeal proposal on its individual planning merits and made my own assessment as to its potential impact.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR