
Appeal Decision

Site visit made on 14 March 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/W3005/D/16/3165822

91 Alexandra Street, Kirkby in Ashfield, Nottinghamshire NG17 7JJ

- 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 Dana Flakova against the decision of Ashfield District Council.
 - The application Ref V/2016/0657, dated 15 February 2016, was refused by notice dated 12 December 2016.
 - The development proposed is gates and fence around property.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site accommodates a semi-detached property on the outside of a bend in Alexandra Road. The front garden at the site appears at the end of both parts of the road. The front gardens of the other properties in the road generally have low boundary fencing or walls in front of the houses. A footpath runs along the southern boundary of the site.
 4. The proposal primarily involves the provision of a gate across the whole, albeit narrow, frontage of the site measuring 1.5 metres in height in total, and fencing along part of the south boundary of the site also measuring 1.5 metres in height at its highest.
 5. From the details before me it is not clear what the design of the gate would be. I have details of three designs of gate; one comprising close boarded panels with black edging and black trellis across the top, one which is a black metal panel with black finials on top, and another which is shown in a blurred picture but appears to be brown coloured wood. All three designs appear to be substantially opaque. Whichever the design, the gate would be taller than the other gates and fencing on the front boundaries at the other properties in the immediate vicinity. Due to the combination of its height, its opaque design and its length across the whole of the frontage, the gate would appear prominently and would be incongruous in the street scene.
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6. The fencing along the southern boundary would be constructed of concrete gravel boards topped with wooden trellis, and from my site visit I saw that the existing fence on this boundary is already mostly comprised of gravel boards, as is the north boundary of No 93 along the other side of the footpath. Indeed, with the exception of the forward most section which is only two gravel boards high, the remainder of the existing south boundary fence is four gravel boards high and is around 1.2 metres in height. This is comparable to the proposed fencing for this boundary and, even with the addition of wooden trellis on top, I do not consider this proposed fence would detract from the character and appearance of the area.
7. Also the proposal would include a new 2 metre high gate and fencing on the eastern boundary of the site. This boundary faces an undeveloped area of hardstanding to the side of some of the houses on Rosewood Drive. It is well hidden from the Rosewood Drive street scene, particularly by the high fence at No 39 Rosewood Drive, and I do not consider the gate and fencing here would have any harmful effect on the character of the vicinity.
8. Nonetheless, the front gate would appear incongruous in its context and so would harm the character and appearance of the area. As such the development would fail to accord with Saved Policy ST1 of the Ashfield Local Plan Review which requires development to not adversely affect the character of the environment. It would also conflict with the advice in the National Planning Policy Framework which supports good design that responds to local character.
9. I note the appellant's concerns that the gate is needed to protect her property from vehicles failing to manoeuvre safely around the bend in the road and crashing into the site. However this does not justify the provision of such a prominent and incongruous gate.

Conclusion

10. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR