

Appeal Decision

Site visit made on 15 April 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 12th May 2017

Appeal Ref: APP/N2739/D/17/3169340

Ivydene, Old School Lane, Barlby, North Yorkshire YO8 5JJ

- 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 Rodney Smith against the decision of Selby District Council.
 - The application Ref 2016/1263/HPA (8/16/749/PA), dated 2 November 2016, was refused by notice dated 29 December 2016.
 - The development proposed is to replace existing garden boundary wall and gates with concrete posts, concrete gravel boards and fence panels and replace existing gate with wooden gate.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area with particular relevance to street scene.

Reasons

3. The appeal site lies in a residential area and is a corner plot with boundaries to Hawthorn Drive and Old School Lane. It is located at the junction of Hawthorn Drive and York Road and it is very visible from the latter, the main road which runs through the centre of the village. It forms part of the street scene along all three of these roads.
 4. The houses along Hawthorn Drive are modern and generally have front gardens which are in the main separated from the pavement by low fences, walls or shrubs. The general character is open in aspect. Although there are a few taller fences in the area they are not so prevalent as to change this character.
 5. The proposed development would introduce a fence of around 1.8m in height running more or less the full extent of the boundary of the property along Hawthorn Drive through to Old School Lane. This would replace the existing low wall. A new gate of similar height to the fence is also proposed.
 6. Given the location and orientation of the plot, this fence would be highly visible in the street scene and due to its height, solid nature and extent would be alien to the frontage boundary treatment that is characteristic of the immediate locality. It would present an appearance of enclosure in an area where the
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front gardens of properties are largely open and would therefore be a discordant and incongruous feature.

7. The appellant has drawn my attention to some examples of fences, walls and gates which have been erected at properties on Hawthorn Drive, and I was able to see these on my site visit. However none of the examples which I saw wrapped around a plot or enclosed a front garden to the extent proposed at the appeal site. I have in any case considered the appeal on its individual merits.
8. I conclude that the proposed development would be harmful to the character and appearance of the area and would be contrary to both Policy SP19 of the Selby District Core Strategy adopted October 2013, and saved Policy ENV1 of the Selby District Local Plan 2005, which seek to secure developments of high design quality and which respect local character. It would also be inconsistent with the core principles and paragraph 58 of the National Planning Policy Framework which seek high quality design which responds to the character of the area.

Other Matters

9. Reference has been made by the appellant to his desire to ensure privacy and safety for his grandchildren when they are playing in the garden. He has also referred to a recent crime incident which involved a break in to his garden shed and theft of tools. I appreciate that these matters are a concern to him but clearly issues of security have to be balanced against the effect on the surroundings. I have taken them in to account but as it has not been shown why these matters need to be addressed in this way, I consider that they do not outweigh the harm which would occur to the character and appearance of the area by the proposed development.
10. The appellant makes reference to the need for maintenance of the current boundary wall and the nature of the existing planting behind it. I have afforded this very little weight in coming to my decision.
11. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR