

Appeal Decision

Site visit made on 22 May 2017

by R Barrett BSc (Hons) MSc Dip UD Dip Hist Con IHBC MRTPI

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

Decision date: 7th June 2017

Appeal Ref: APP/B1740/ W/17/3171758

13, Charlie Adams Court, Seward Green, Hythe SO45 6GQ

- 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 Luke Mulroy against the decision of the Council of the New Forest District Council.
 - The application Ref 16/11745, dated 7 December 2016, was refused by notice dated 10 March 2017.
 - The development proposed is described 'I would like to apply to heighten the fence that runs the perimeter of my garden. It currently stands at 1metre high which I feel isn't safe to leave children and garden items out unattended. I would like planning to increase the fencing to a 6ft fence'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the appeal proposal on the character and appearance of the locality.

Reasons

3. The appeal site includes a ground floor flat that forms part of a small development of similar properties. Its garden fronts onto the street. At present a picket fence encloses that garden.
 4. Even though some properties have higher boundary treatments in the locality, generally gardens fronting the street are enclosed by low level fences that allow views through, which, together with green spaces and planting give the locality an open and spacious character and appearance. The appeal site with its garden fronting onto the street and low level fence contributes to that character and appearance.
 5. The proposed fence would be higher and more solid than most in the locality, such that it would appear out of place. As it would front onto the street and would extend for some way, it would jar. Whilst I acknowledge that the appeal garden is quite open to public view at present and security and safety is a concern for the appellant, those matters do not outweigh the harm that I have identified. That harm could not be overcome by the imposition of planning conditions. I have made this judgement mindful that the protection of the public interest cannot be achieved by means which are less interfering of the appellant's rights. They are proportionate and necessary in the circumstances and hence would not breach the requirements of Article 8 and Article 1 of the
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First Protocol to the European Convention on Human Rights, as incorporated by the Human Rights Act 1998.

6. I conclude that the appeal proposal would adversely affect the character and appearance of the locality. It would therefore fail to accord with New Forest District Council Local Development Framework Core Strategy New Forest District outside the National Park (2009) Policy CS2. This aims for new development to be well designed to respect the character, identity and context of the area's towns, villages and countryside.

Conclusion

7. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR