
Appeal Decision

Site visit made on 18 September 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 3rd October 2017

Appeal Ref: APP/K2610/D/17/3180933

5 Hornbeam Close, Norwich NR7 8LN

- 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 Robert Hitchcock against the decision of Broadland District Council.
 - The application Ref 20170712, dated 28 March 2017, was refused by notice dated 19 June 2017.
 - The development proposed is the "erection of 5ft 6in close board timber fence, on 6-9" (up to six inches above the ground) concrete gravel boards, with 6ft concrete posts. Fence to be erected to side of corner plot property to enclose garden".
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The site is within an established residential estate that is a mixture of one and two storey dwellings. Hornbeam Close is a cul-de-sac which curves round to the left as one enters the Close. Properties in the area are mainly set back from the road with parking areas to the front. The appeal site is a parcel of grassed land which sits between the side of No. 5 and a footpath.
4. The area has a degree of spaciousness about and between dwellings which is reinforced by the open frontages, which are generally devoid of walls or fences. The grassed area contributes to the open character of the Close, which is reflected in similar side and front garden spaces on corner plots throughout the estate.
5. The proposed fence would be some 1.7 metre high and would enclose the area of grass to the side of the dwelling, with two short sections of fence perpendicular to the footpath. A further fence would link the two sections to enclose the grassed area and would be sited to abut the footpath. As a result of the prominent position of the site on the corner of the Close, coupled with the height and length of the fence, the proposal would be a stark and incongruous feature that would be out of keeping with the prevailing spacious character of the area, and thus harmful to its appearance.

6. Notwithstanding that the fence would not project past the front of the dwelling, it would still be visually dominant when viewed from either direction when passing the site, further eroding the openness and spaciousness of the Close. Additionally, I do not accept that the fence would only be visible from within Hornbeam Close as the site lies close to the junction with Cere Road.
7. On this basis, I conclude that the development would have an unacceptably harmful effect on the character and appearance of the area. The proposal would therefore be contrary to Policy 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk 2011 (amended 2014), Policy GC4 of the Broadland District Council Development Management DPD 2015, Policy 2 of the Sprowston Neighbourhood Plan 2014 and paragraphs 56, 58, 60, 61, 63, 64 and 66 of the National Planning Policy Framework which seek, amongst other things, to ensure that development proposals create a strong sense of place and has regard to the character and appearance of an area.

Other Matters

8. The appellant has drawn my attention to other fences in the area that are considered to be similar to the development proposed. However, I have very little information before me detailing the circumstances that led to these proposals being accepted. Moreover, the examples provided are not so similar as to be a direct comparison to the development before me. They are also very much in the minority and, in any case, the existence of development elsewhere does not represent an irresistible precedent to find in favour of a proposal that would cause harm or lead me to alter my findings on this issue. Furthermore, I have considered the appeal on its own merits.
9. I note the appellants' desire for a larger enclosed garden for their children. However, whilst acknowledging the benefits that would result in this respect, these are not sufficient to outweigh the harm that I have identified. In addition, there may be other ways to enclose the area without the need for planning permission. However, whether or not planning permission is required for a different proposal is not a matter that is before me as part of this appeal, as other mechanisms exist to resolve such issues. Consequently, I have determined this appeal on its merits and in light of all representations made.

Conclusion

10. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR