



Appeal Decision

Site visit made on 2 July 2019

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/W1905/D/19/3224234

51 Pulham Avenue, Broxbourne, Herts, EN10 7TA.

- 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 M Teoli against the decision of Broxbourne Borough Council.
- The application Ref. 07/18/0996/HF, dated 12 October 2018, was refused by notice dated 20 December 2018.
- The development proposed is the erection of a 2m high fence behind 2.4m high vegetation along boundary.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 9 July 2019.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2m high fence behind 2.4m high vegetation along boundary at 51 Pulham Avenue, Broxbourne, Herts, EN10 7TA, in accordance with the application Ref. 07/18/0996/HF, dated 12 October 2018, and subject to the following condition:
 - 1) The hedge/vegetation planting on the public side of the proposed fence, as shown on plan 2738.17A1.02/A shall be retained. Any individual shrubs/plants which die or are removed within 5 years of the date of this permission shall be replaced in the same or following planting season with similar species to ensure a continuous line of vegetation.

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 comprises a detached house and garden which lies on the corner of Pulham Avenue and Overlord Close and the side garden runs alongside the latter cul-de-sac. It is proposed to enclose part of the open residential garden to the side of the property by the erection of a fence with new vegetation to the front of it.
4. The proposal is retrospective in that the fence has been erected with a laurel hedge planted in front of it and this follow the gentle curve of the pavement save where there are drain covers. It appears that previously this was an open area of garden in front of a fence which enclosed the rear garden in a line about level with the flank wall of the house.

5. At my site visit I noted that the front gardens of many of the houses in this relatively modern development had a mixture of landscaping and enclosure with walls and fences. Nevertheless, the overall appearance was a verdant and attractive housing environment and the proposal fits in well with this established character. While I acknowledge the Council's view that the new shrub/hedge planting cannot be assumed to stay in perpetuity, it does provide very effective screening of the fence. The result is that the proposed development does not harm the character and appearance of the area.
6. I am satisfied that the new vegetation is likely to remain in the long term but in any event, it would be reasonable to impose a condition to require similar replacement planting in the next five years if any of the current individual shrubs die or are removed. After that period, it is likely that new vegetation would be self-generating.
7. I note the Council's specific reference to a case in Goffs Lane where an inspector allowed an appeal in similar circumstances but where the hedging/vegetation was subsequently removed. However, there is no evidence before me to show that the appeal proposal is likely to suffer from similar action. Nor is it clear whether any conditions were applied. I therefore cannot place much weight on this case.

Other matters

8. Objections to the proposal were also put forward by the local community on other grounds. In terms of highway safety, I note that the highway authority does not object to the proposal and at my site visit I found that the presence of the fence and hedge did not interfere with visibility on the adjacent roads. Neither could I see any reason why the fence and hedge would have an effect on the security of other properties as these would be just as visible from the public realm. Finally, the restriction of any covenant is a private matter beyond the scope of this planning decision. The other matters raised therefore do not outweigh the conclusion I have reached on the main issue.

Planning balance

9. Overall, I am satisfied that the erection of the fence reflects and maintains the character and appearance of the area and does not harm the wider street scene and amenity of this residential area. The development therefore meets the general requirements of Policies H6, HD13 and HD14 of the Council's Local Plan and this accord is not outweighed by any other consideration.

Conclusion

10. For the reasons given above I conclude that the appeals should be allowed.

David Murray

INSPECTOR