



Appeal Decision

Site visit made on 6 August 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/T3535/D/19/3230348

9 Pine Tree Close, Worlingham, NR34 7EE

- 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 Goodwin against the decision of Waveney District Council.
 - The application Ref DC/19/0286/FUL, dated 18 January 2019, was refused by notice dated 26 March 2019.
 - The development proposed is erection of fence along the side of garden/pavement (standard construction – concrete posts and gravel boards/timber fence).
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Decision

1. The appeal is allowed and planning permission is granted for erection of fence along the side of garden/pavement at 9 Pine Tree Close, Worlingham NR34 7EE in accordance with the terms of the application, Ref DC/19/0286/FUL, dated 18 January 2019, and the plans and documents submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: p2buk/315129/428325 (Site Plan 1:1250), HL/15/0325/RG/05 (Site Block Plan) and email from Robert Goodwin dated 30 January 2019 and timed 18.14 hrs.
 - 3) Prior to the erection of the fence hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas in front of the fence, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Procedural Matters

2. The decision was made by Waveney Borough Council on 26th March 2019. On the 1st April 2019 Waveney Borough Council was dissolved and along with Suffolk Coastal District Council became a new non-metropolitan district council known as East Suffolk Council.
3. The proposed fence is to be erected along the side of the garden adjacent to the pavement. No detailed plans have been submitted of the precise position of the fence within the garden, however an email from the appellant submitted as part of the application confirms that the fence would be set back between the

path edge and the hedge, approximately 300mm from the path edging. The appellant also states that the fence would be 6ft high with 12" concrete gravel boards, bringing the overall height to approximately 2m. I have determined the appeal on the basis of the aforementioned details.

Main Issue

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

Reasons

5. The site comprises a two storey detached dwelling located within a cul-de-sac of similar development. The area is typical of many small modern estates with the dwellings arranged fronting the estate road with open frontages providing parking and front gardens. The appeal site sits centrally within the estate and is bounded by Pine Tree Close on two sides and due to its position at an intersection is larger than neighbouring plots. Its frontage and parking area is located towards the end of the cul-de-sac. The dwelling has been extended and the majority of the private amenity space enjoyed by the occupiers of the dwelling is located to the side and given its position adjacent to the road intersection is afforded limited privacy.
6. The plot is defined by existing hedging along its boundaries, the hedging has been planted for approximately 3 years and in some places has failed to thrive.
7. The Council's reason for refusal states that front boundaries are not defined by fences or other enclosure, however I have taken the frontage of the site to be the area closer to 8 Pine Tree Close, which comprises the appellants parking area and entrance porch and I consider that the fencing is proposed along the side boundaries of the plot.
8. The appellant's statement confirms that the fence would be set back from the property boundary to allow the existing hedge to be retained and additional planting to replace that which has died.
9. The presence of the existing planting around the boundaries of the site limits the open appearance of the plot. Whilst this planting has not been entirely successful, it nonetheless still encloses the outside amenity space and as such this area does not contribute to the otherwise more open character experienced in other parts of the estate. Whilst the erection of a fence would provide a harder edge to the development, its visual impact would be softened by the presence of the existing landscaping and be enhanced by additional/new planting. Consequently, the development would not be conspicuous when viewed from Pine Tree Close.
10. Noting the position of the dwelling within the plot and the resultant amenity space upon which the dwelling relies, I have also had regard to the desire of the appellant to provide a private space which would not be unduly overlooked from the public realm. Whilst an area to the rear of the property already exists which does provide a degree of privacy, noting the size of the property, I do not consider that it is unreasonable for the appellant to want to provide more private amenity space associated with the dwelling.
11. For the reasons outlined above, I conclude that subject to the imposition of a landscaping condition, the proposed fencing would accord with policy WLP8.29

of the East Suffolk Waveney Local Plan (March 2019) which requires development of a high quality design that responds to the local context and the wider street scene and to protect the amenity of the wider environment and to provide a good standard of amenity for future occupiers.

Other matters

12. Reference has been made to the appellants fallback position of a 1m high fence which would be less visually intrusive than the proposed 2m high fence and details of other similar development in the locality. However, I have not been provided with any details of either of these and as such I have afforded this limited weight.
13. There is, according to representation, a covenant in existence that prevents development in front gardens on the wider development. The approval of planning permission for the appeal development would not override any legal covenant on the site which would be enforceable under separate legislation.

Conditions

14. In addition to the standard three year commencement of development condition, it is necessary, for the avoidance of doubt and in the interest of certainty, for the development to be carried out in accordance with the submitted plans and documents. I have also sought agreement from the parties to impose a condition requiring a scheme of landscaping to be agreed including a maintenance schedule to ensure that the existing landscaping is enhanced and maintained to provide adequate screening for the fence to protect the character and appearance of the area in the long term.

Conclusion

15. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

G. Pannell

INSPECTOR