
Appeal Decision

Site visit made on 6 August 2019

by S Shapland BSc (Hons) MSc MILT

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/C4615/D/19/3229822

6 Nuthatch Drive, Brierley Hill, West Midlands DY5 2RF

- 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 Philip Moore against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P19/0082, dated 15 January 2019, was refused by notice dated 11 April 2019.
 - The development proposed is erection of fencing and rear retaining wall (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given above is taken from the Council's decision notice as this represents a more accurate description of the development than the one given on the application form.
3. The fencing and retaining wall have been built and therefore I am considering this appeal retrospectively.

Main Issue

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

Reasons

5. The appeal site is a corner plot within an established residential area of Brierley Hill. The area comprises mainly detached properties with large open frontages, with low boundary wall treatments. This gives the street an open and spacious character.
6. The new fencing and retaining wall have been built directly along the back of the footway of Nuthatch Drive, with the total height exceeding 2 metres along its length. Nuthatch Drive is on a modest downhill gradient away from the appeal site, and the fence panels have several steps down along its length away from the property.
7. The length and height of the fencing in this location dominates the street scene and forms a large, obtrusive and incongruous feature. Its location along the

- edge of the footway removes the open feeling of this corner plot, and this is at odds to the existing street scene and the prevailing character of the area.
8. The appellant has drawn my attention to No 1 Shearwater Drive which is in close proximity to the appeal site, which I viewed during my site visit. This property is also a corner property with fencing directly adjacent to the footway. However, I do not consider this example to be directly comparable as the fencing integrates well with its surrounding landscape and is not an incongruous feature.
 9. The appellant has indicated that artificial box hedging could be installed on the fence panels to reduce the visual impact of the proposal. Whilst I am of the view this would allow the fence to integrate better with the street scene, it would not address the removal of openness that high fencing in this location causes.
 10. Accordingly, I find that the proposal harms the character and appearance of the area. As such it conflicts with policy ENV3 of the Black Country Core Strategy (2011) and policies L1 and S6 of the Dudley Borough Development Strategy (2017) and the National Planning Policy Framework. Together these policies seek, amongst other things, that development should be of a high-quality design which makes a positive contribution to the character and appearance of an area.

Conclusions

11. For the above reasons the appeal is dismissed.

S Shapland

INSPECTOR