
Appeal Decision

Site visit made on 20 August 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: [19 September 2019](#)

Appeal Ref: APP/G2435/W/19/3229756

110 Main Street, Thringstone, Coalville, Leicestershire LE67 8NA

- 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 Mrs Monique Rymenhout against the decision of North West Leicestershire District Council.
 - The application Ref 19/00070/RET, dated 22 January 2019, was refused by notice dated 26 March 2019.
 - The development is described as prefabricated wood garage - non permanent structure, wooden fence.
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Decision

1. The appeal is dismissed insofar as it relates to the wooden fence. The appeal is allowed insofar as it relates to the prefabricated wood garage – non permanent structure at 110 Main Street, Thringstone, Coalville, Leicestershire LE67 8NA, in accordance with the terms of the application Ref 19/00070/RET, dated 22 January 2019 so far as relevant to that part of the development hereby permitted, subject to the following condition:
 1. The garage hereby permitted shall be used only for purposes incidental to use of 110 Main Street as a dwellinghouse, and for no other purpose.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

Main Issue

4. The Council's report and appeal statement makes clear that it has no objection to the prefabricated wood garage that has been erected upon the site. I have no reason to disagree. This element of the scheme is clearly severable from the rest and so I recommend a split decision, allowing this element of the appeal.
5. The main issue in this case is therefore the effect the wooden fence has on the character and appearance of the area.

Reasons for the Recommendation

6. The appeal property is a semi-detached house located at the corner of Main Street and Booth Road. The area is characterised by a mix of terraced, semi-detached and detached dwellings, some set back from the highway with landscaped front gardens and others directly abutting the footpaths. Where properties have front gardens, they are usually enclosed by low walls, fences or hedges, although some have open frontages. A small number of properties have higher fences running perpendicular to the road.
7. The wooden fence projects above the existing low stone and brick boundary walls, which front Main Street and Booth Road. The fence is significantly higher than the wall, and results in a prominent, incongruous feature in the street scene. It dominates the frontage of the host property and as a result of its height, positioning and prominence has a detrimental impact on the open character and appearance of the area.
8. The appellant states that the fence is required to provide a secure area to accommodate dogs who are boarded at the property either overnight, or on a day care basis. At my site inspection I saw that there was already a garden enclosed by a high fence, which is likely to provide a secure area for dogs. I also noted that the new vehicular access gate is only marginally higher than the existing stone and brick walls and consequently there are limitations to the degree of security that the boundary fence provides.
9. I note the appellant's desire to increase the number of dogs that her business can cater for. However, I have no substantive evidence before me that the absence of an enclosed front garden area would limit future business opportunities, would reduce the business' 5-star rating or have a harmful effect upon the viability of her business. This matter carries limited weight in my consideration of the proposal.
10. The appellant has provided examples of 2 fences permitted by the Council elsewhere in the District. I have visited both sites and find that they are situated some distance from the appeal site, within commercial areas, and consequently they are not comparable with the development before me. This significantly limits the weight I can attach to them in my consideration of this appeal.
11. The lack of objection from the Council relating to the effect of the development on residential amenity and highway safety carries neutral weight in my consideration of the proposal.

12. In light of the foregoing, I conclude that the wooden fence results in harm to the character and appearance of the area contrary to Policy D1 of the North West Leicestershire Local Plan – adopted November 2017 and the Good Design for North West Leicestershire Supplementary Planning Document for new developments which jointly seek to ensure that new development has a high standard of design that is appropriate to its location. These objectives are consistent with the National Planning Policy Framework. The matters advanced by the appellant in support of the appeal do not outweigh the harm identified and do not alter the conclusion that I have reached.

Conditions

13. The Council has suggested a condition restricting the use of the garage. Given the business that operates from the site and the garage's proximity to neighbouring properties, I consider that a condition controlling its use is necessary to protect the living conditions of nearby occupiers.

Conclusion and Recommendation

14. For the above reasons, and having regard to all other matters raised, I recommend a split decision dismissing the wooden fence, and allowing the prefabricated wooden garage, subject to the condition set out above.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed in so far as it relates to the wooden fence, and allowed in so far as it relates to the prefabricated wood garage – non permanent structure, subject to the recommended planning condition.

RC Kirby

INSPECTOR