



Appeal Decision

Site visit made on 16 September 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/D2510/D/19/3230895

16 Champion Way, Mablethorpe, Lincolnshire LN12 2EJ

- 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 Ms Sara Brooks against the decision of East Lindsey District Council.
 - The application Ref N/110/00610/19, dated 27 March 2019, was refused by notice dated 28 May 2019.
 - The development proposed is the erection of a 1.8 metre fence within the boundary to the rear and side of 16 Champion Way, Mablethorpe.
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Decision

1. The appeal is dismissed.

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.

Preliminary Matters

3. The fence that is the subject of this appeal has already been constructed. I have dealt with the appeal on that basis.
4. There is some debate as to whether the some or all of the fence could be constructed without planning permission under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, whether or not the fence is permitted development is not for me to consider in the context of an appeal made under s78 of the above Act. I have therefore dealt with the appeal on the basis of the plans submitted to me.

Main Issues

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

Reasons for the Recommendation

6. Champion Way is a suburban residential street. The appeal site comprises a detached bungalow on a corner plot on the eastern junction of Champion Way with Marian Avenue. The immediate area consists of detached bungalows that are set back from the street with front gardens. Most of the front boundaries
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have low walls or fences while a small number of properties have no physical boundary at all. Overall the street has an open, green and pleasant appearance and character. Permission is sought for a 1.8 metre high fence to the side and rear boundaries.

7. No.16 has a low picket fence on the front boundary in front of the house. The 1.8 metre high fence that forms the subject of the appeal, extends from the end of the low picket fence all the way around the side and rear boundaries and abuts the pavement. Strategic Policy 10 of the East Lindsey Local Plan (2018) (LP) requires well designed developments that maintain and enhance the character of the District's towns. In this case the height and extent of the fence fail to retain the open appearance and character of the street, and the fence is an obtrusive feature in the street scene.
8. The appellant has referred to other fences nearby and suggests that their existence should weigh in favour of the development in this appeal. I have no details before me of any planning permissions for these fences, and it is possible that local and national planning policies have changed since the fences were constructed. Therefore, I am not persuaded that the context surrounding these fences is comparable to the appeal before me. Moreover, some of the example fences are in different streets and not visible from the appeal property, and therefore have no bearing on the street scene at the appeal site. The fence around No.2 Champion Way, the property on the corner plot at the western junction of Champion Way and Marian Avenue, is a darker brown and is set back from the pavement with grassed areas and hedging in between the fence and pavement which helps to reduce the impact of the fence on the street scene and maintains an element of the green character of the street. I also note that the fence and hedge to the rear of the neighbouring property at No.14 is a fence with hedge above that is the same height at the fence at No.16 and is not set back from the pavement. However the hedge is a softer appearance than the fence and also contributes to the green character.
9. I acknowledge that staining or painting the fence would reduce the starkness of the appearance of the fence. However, this would not mitigate against the loss of the open and green character of the street.
10. For the reasons given above, the proposal would cause material harm to the appearance and character of the area and that the proposal would conflict with Strategic Policy 10 of the East Lindsey Local Plan which seeks to protect appearance and character through high quality design and materials.

Other Matters

11. I accept that the fence provides privacy to the rear garden and security to the property. I have sympathy with these concerns and have taken them into account. However, there is no reason why security and privacy could not be provided by other forms of boundary treatment, including landscaping, which would not have such a harmful impact on the character and appearance of the area as the fence.
12. I acknowledge that Lincolnshire County Council, as Local Highway and Local Lead Flood Authority, have no objections on the grounds of highway safety or flood risk and I have no reason to disagree. However, the application was refused on the effect on character and appearance and the appeal has been determined on these grounds.

13. I note the concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance, and in determining the appeal I have only had regard to the planning merits of the case.
14. For the reasons given above and having had regard to all other matters raised, including the letters of support for the proposal, I recommend that the appeal should be dismissed.

Darren Ellis

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.

S Ashworth

INSPECTOR