



Appeal Decisions

Site visit made on 30 September 2019 by AJ Sutton BA Hons DipTP DMS MRTPI

by P J Davies BSc Hons MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2019

Appeal Ref: APP/T3725/D/19/3235946

28 Charnwood Way, Lillington, Leamington Spa, CV32 7BU

- 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 Joe Jarvis against the decision of Warwick District Council.
 - The application Ref W/19/0554, dated 1 April 2019, was refused by notice dated 9 June 2019.
 - The development proposed is described as 'Erection of a 2m high fence along the Northern property boundary. The Boundary on the north side of the garden already has a 2m fence at the boundary line (a wall when the house was constructed, subsequently replaced by a fence). There is a tall hedge around the boundary line at the front of the house on the northern boundary line. The section of boundary along side the house (approx 2m width grass strip) currently has no barrier. The proposal is to erect a continuation of the existing fence to join up to the hedgerow and include a gated entry from the driveway to the land at the side of the house. The fence will be standard timber feather edge boards, in keeping with the existing fence'.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a 2m high fence along the northern property boundary at 28 Charnwood Way, Lillington, Leamington Spa, CV32 7BU in accordance with the terms of application Ref W/19/0554, dated 1 April 2019 and 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 and images: site location plan; revised block plan; side view of property showing fence; proposed fence line; proposed front view.

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 Matter

3. Notwithstanding the description given in the planning application form, in the interests of conciseness, I have used the description given in the refusal notice.

Main Issue

4. The main issue is the effect the proposal would have on the character and appearance of the area.

Reasons for Recommendation

5. The appeal property is an end dwelling in a short terrace block, located at the end of a T shaped cul-de-sac, in a large residential area. Similar terrace blocks form a grid like pattern on Charnwood Way which branches to a series of cul-de-sacs. The area is an established suburban estate, with blocks well-spaced, interspersed with small green open spaces. Properties are set back from the road with a mix of soft and hard landscaping to the front of mid terrace dwellings. End terrace dwellings are slightly larger in appearance than the mid terrace properties, in more capacious plots, with narrow strips of green landscaping on the side boundary. An expansive playing field/public open space is situated at the rear boundary of the appeal property, which is accessed by footpaths located either end of the terrace block, one of which is located along the side boundary of the host property. The topography of the surrounding area rises from the appeal property towards properties parallel with its principal elevation.
6. The proposed development is for the erection of a 2m high wooden panel fence on the side boundary of the appeal property. It would enclose a strip of soft landscaping, with an access gate to be positioned on the side elevation of the property, thereby maintaining the open appearance typical at the front of properties in this area. It was observed that some end of terrace dwellings had low boundary fences or hedges, with the exception of No 36 which has an open well-maintained lawn area on its side boundary. The appeal property, set opposite and significantly lower than No 36 at the end of the cul-de-sac, has a much less prominent position in the street scene than other end terrace dwellings, and as such the proposal would not affect the existing sense of openness which prevails in other parts of the estate. The proposed fence would be viewed as a clear continuation of the property's rear garden boundary fence, already located next to the footpath. Furthermore, it would be similar in appearance to that which was observed at No 29, another end terrace dwelling situated immediately north of the appeal property on the opposite side of the road. Therefore, the proposed addition would not be out of character with the immediate area.
7. The enclosure of the narrow strip would not result in a detrimental loss of soft landscaping as the property would continue to be viewed in its context set against the mature vegetation at the playing field boundary. Although there is a clear pattern of development in the estate, there is no strict uniformity in terms of openness, boundary treatment and landscaping, that could be altered by the proposal at this particular location. Therefore, permitting this development would not set an unacceptable precedent as other similar proposals would need to be judged on their own individual merits. Overall, for the reasons outlined above the development would not be harmful to the character and appearance of the area.
8. I conclude that the proposal would comply with Policy BE1 of the Warwick District Local Plan 2017 which requires development to make a positive contribution to the character and quality of the environment, harmonise with

the existing settlement, adopt appropriate materials and details, relate to the local topography and reinforce the established urban character.

Conditions

9. I have attached conditions to impose a time-limit within which the development authorised must be started and to ensure that the development is undertaken as approved for certainty.

Conclusion & Recommendation

10. For the reasons outlined above, it is recommended that the appeal should be allowed.

A J Sutton

APPEALS PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and concur that the appeal should be allowed.

P J Davies

INSPECTOR