
Appeal Decision

Site visit made on 3 December 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/K2420/D/19/3236341
35 Janes Way, Markfield LE67 9SW

- 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 Martin Allen against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 19/00328/HOU, dated 19 March 2019, was refused by notice dated 27 June 2019.
 - The development proposed is described as installing fence around the perimeter to front and side elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a fence around the perimeter to front and side elevation at 35 Janes Way, Markfield LE67 9SW in accordance with the terms of the application, Ref 19/00328/HOU, dated 19 March 2019, and the plans submitted with it.

Procedural Matters

2. 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.
3. The fence has already been built therefore I am considering this appeal on a retrospective basis.

Main Issue

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

Reasons

5. The appeal site comprises a corner plot on the junction of Janes Way and Launde Road. It forms part of a larger residential estate. The site is occupied by a detached, two storey dwelling with associated driveway and a private rear garden. The appeal development comprises of a close boarded fence with a height of around 1.8 metres, reducing to approximately 1 metre adjacent to the driveway. In proximity to the appeal site is the A50 road.

6. The surrounding area is predominantly residential in character with a mix of housing types and designs present but nevertheless presenting a cohesive, estate character. The fencing to the appeal site relates mainly to the existing boundary treatments along Launde Road.
7. Along Launde Road, the boundary treatments comprise red brick walls and pillars with small sections of timber in between, which are set back and complemented by areas of landscaping. However, there are also examples of full length, close boarded fencing panels visible and, in the main, the boundary treatments along this part of the road are solid and visually impermeable. Accordingly, whilst the material used in the appeal fence is not wholly in keeping with the surroundings, there are other examples of timber fencing, including between many of the existing brick pillars. I therefore find that the fence is not visually harmful nor unduly incongruous as a result of the materials, height or design, despite its prominent position within the street scene.
8. A characteristic of Launde Road is the set back of boundary treatments to allow for grass verges. However, this is more notable on the opposite side of the road where the verges are wider. The fence has been positioned adjacent to the back edge of the footpath which encloses more of the adjoining land than the previous boundary treatment. However, a strip of grass verge remains between the footpath and the road and the siting of the fence is not significantly out of character with the surroundings given that other parts of walls abut the pavement further along the road. Whilst this does reduce a small part of the landscaped areas found along this part of the road, Launde Road is a wide street and the incorporation of the land does not significantly detract from this.
9. Consequently, I find that the boundary fencing does not result in significant harm to the character and appearance of the area. It therefore complies with the provisions of Policy DM10 of the Hinkley and Bosworth Borough Council Local Plan 2006 - 2026 Site Allocation and Development Management Policies DPD (2016) which requires development to complement or enhance the character of the surrounding area and respect the materials of the local area generally, amongst other things.

Other Matters

10. The Council have noted that the additional land is within the ownership of the Appellant however state that a separate application would be required for the inclusion of this land within the residential curtilage. This would be a matter for the appellant to progress directly with the Council.

Conditions

11. The fence is already present on the site therefore no conditions are necessary, however I have referred to the submitted plans as this provides certainty.

Conclusion

12. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

R Norman INSPECTOR