
Appeal Decision

Site visit made on 22 January 2020

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/Y2003/W/19/3238173

13 Chesney Drive, Bottesford DN16 3QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Rebecca Heseltine against North Lincolnshire Council.
 - The application Ref PA/2019/1155, is dated 6 July 2019.
 - The development proposed is: add a 6 foot fence around the side boundary of the property, for security and privacy. I do not propose to move the existing small wall and will instead fence inside of the wall, as others in the area have done. I personally believe a fence will look more aesthetically pleasing than my alternative of adding a large hedge as others have done, as I want to keep all the flowerbeds in the garden in place if at all possible.
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Decision

1. The appeal is dismissed and planning permission refused.

Procedural Matter

2. The appeal follows the failure of the council to issue a decision within the 8 week statutory period. In response to the appeal the Council has confirmed that had it decided the application it would have refused permission since it considers that the fence would create a harsh interface that would harm the street scene and would be contrary to policies DS1 and DS5 of the North Lincolnshire Local Plan¹ (local plan) and CS5 the North Lincolnshire Local Development Framework Core Strategy² (core strategy).

Main Issue

3. There is no objection to the proposal on highway safety grounds, in light of which the main issue is the effect of the proposed fence on the character and appearance of the area.

Reasons

4. The appeal property occupies a corner plot in Bottesford, a suburb of Scunthorpe. The property is a 2 storey detached property, typical of other houses in the surrounding area. Given the corner location there is a front and side garden and the proposal is to erect a fence that would enclose the latter. The surrounding estate is not open plan, although as originally laid out the

¹ adopted May 2003

² adopted June 2011

gardens on the public side of dwellings have low retaining walls, giving the estate a generally spacious, open character. Some properties have erected higher boundary treatments, although the majority retain the original low walls. There are hedges along the boundary of some front gardens, including the house opposite the appellant's property on Thornholme Road.

5. The proposed fence would incorporate concrete posts and curved fencing panels, generally around 2m in length and with a maximum height of approximately 1.8 m. The fence would extend from a point slightly behind the front elevation of the property, run for a length of three panels parallel to Chesney drive, then run along the side boundary with Thornholme Road for a distance of nine panels, to the point where it meets the driveway of the neighbouring property, where it would turn through approximately 90° to meet and overlap with the boundary wall of that property for a distance of six panels. The appellant has supplied a photo of three panels which are already in place within the rear garden, which do not form part of the application.
6. The fence would be designed to an appropriately high standard. However, it would be a visually prominent feature which would reduce the spaciousness of the estate layout, and therefore its character and appearance.
7. The appellant's wish to create a side garden with more privacy and security is understandable. A hedge which could impact on the openness of the estate could be planted without planning permission and her preference would be for a fence as proposed. I acknowledge the examples in the surrounding area where fences have been erected on corner plots which the appellant refers to. I have no information on the circumstances of these other cases or whether they benefit from planning permission, and I attach limited weight to these other cases in my decision. However, I do not consider that a 'tipping point' has been reached where the control of cases such as that in the appeal serves little planning purpose.
8. The proposed fence is of a height which requires planning permission and must be assessed against development plan policy. It would result in an erosion of the character and appearance of the area. In addition, whilst every case must be decided on its individual merits, it is probable that an approval of the proposal would make it more difficult to refuse permission for future similar proposals, which incrementally would cause further harm.
9. I therefore conclude that the proposal would adversely affect the character and appearance of the area, contrary to Policies DS1 and DS5 of the Local Plan which require a high standard of design and that development should reflect or enhance the character or appearance of the immediate area, and that proposals should be sympathetic in design to the existing dwelling and its neighbours; and Policy CS5 of the core strategy which requires consideration of the relationship between buildings and the spaces around them and the creation of high quality streetscapes.

Conclusion

10. For the reasons given the appeal is dismissed and planning permission refused.

Tim Wheeler

INSPECTOR