



Appeal Decision

Site visit made on 16 June 2020 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2020

Appeal Ref: APP/F1040/D/20/3246095

61 South Drive, Newhall, Swadlincote DE11 0RN

- 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 Danial Cope against the decision of South Derbyshire District Council.
 - The application Ref: DMPA/2019/1286, dated 6 November 2019, was refused by notice dated 6 January 2020.
 - The development proposed is described on the application form as 'erected fence for child safety to stop my son running out onto the main road.'
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Decision

- 1) The appeal is allowed, and planning permission is granted for the erection of a fence at the front of the property at 61 South Drive, Newhall, Swadlincote, DE11 0RN in accordance with the terms of the application ref: DMPA/2019/1286, dated 6 November 2019.

Appeal Procedure

1. 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

2. The fence has already been erected and so the application was made retrospectively.
3. In the interest of clarity, the description of the development in the formal decision is based on the description in the decision notice which more accurately describes the development for which planning permission is required. However, I have used the term 'erection of' rather than 'retention of' a fence because retention is not an act of development.

Main Issues

4. The effect of the development upon the character and appearance of the street scene.

Reasons for the Recommendation

5. No.61 is a semi-detached dwelling located on a junction adjacent to a minor roundabout and has a garden that wraps around the house. The wooden fencing to the rear and to the side of the dwelling was already in place and the

- new wooden fencing, to which this appeal relates, was erected between No.61 and the adjacent dwelling as well as in front of No.61 parallel with the footpath.
6. The dwellings within the street scene are generally similar in appearance as No.61 and are typically set back behind front gardens or off-street parking. There is a notable change in the character of South Drive from the section to the north of the mini-roundabout, where front gardens are universally enclosed by low walls and fences, and the section to the south and east which has a more open plan character. Within the more open plan area there are very few front gardens that have fencing between each dwelling, although there are a number of dwellings that have low level hedges and bushes in their front gardens. In effect, the dwelling at the appeal site is located at the juncture between the more enclosed character to the north and the open plan character to the south and east. In the surrounding area is not uncommon for dwellings located at junctions or around roundabouts typically have low level fencing around their front gardens.
 7. Because No.61 is located opposite a roundabout the majority of the front and side garden is already bound by blue painted wooden fencing as well as hedges and bushes that have grown to be taller than the fencing in front of it. As such, the view prior to the fencing being erected would have been of the existing fencing and hedges. Consequently, whilst the fencing has been built around more of the garden there would not have been open views across the site before it was constructed. In addition, when looking northwards, the fencing is seen in the context of the run of properties where front gardens are enclosed by fences and walls and it does not look out of place in that regard.
 8. Because the fencing is around 1.2 metres(m) tall it does not restrict views within the street scene for most pedestrians, or other road users. It would also be possible to plant hedges and bushes that could be taller than the fencing, which could have a greater impact on reducing the open character of the street scene. Low level fencing is common on corner plots within the street scene and wooden fencing is not an uncommon feature in predominantly residential areas. Whilst the fencing has not been painted, it is not industrial in appearance or scale and the timber will fade and soften in colour over time. Consequently, the material is an appropriate boundary treatment for a residential garden.
 9. I recognise that part of South Drive was based on an open plan layout and that many properties in that section of the estate still retain that character. However, as noted, my assessment is based on the specific characteristic of the dwelling which is located at a corner plot, directly adjacent to existing fencing and other properties with enclosed front gardens. Consequently, the conclusions reached would not set a precedent for similar development in the wider area on dwellings that did not share those characteristics.
 10. Therefore, the fence in this location does not harm the open appearance of the street scene and does not appear out of character. The proposal is in accordance with policy BNE1 of the South Derbyshire Local Plan Part 1 (LP Part 1) (adopted 2016) which looks to ensure development creates places with a locally inspired character that responds to their context, as well as policy BNE4 of the LP Part 1 which looks to ensure development is carefully designed and implemented to protect the character, local distinctiveness and quality of the landscape. It is also in accordance with policy H27 of the South Derbyshire

Local Plan Part 2 (adopted 2017) which looks to ensure boundary treatments are of an appropriate scale and character with the property. The development is also be in accordance with The South Derbyshire Design Guide Design Supplementary Planning Document (adopted 2017) which requires development to use boundary treatment that is common to the street scene to clearly indicate which spaces are public and private. The proposal also complies with the National Planning Policy Framework which looks to ensure that developments will function well and add to the overall quality of the area.

Other Matters

11. Because the fencing is low level, it does not significantly restrict views when exiting the neighbouring driveway and whilst the site is located adjacent to a minor roundabout, the road is located within a residential estate that appears to be lightly trafficked. Consequently, the fencing does not have an unacceptable impact on highway safety.

Conditions

12. A condition has been suggested to ensure the development is carried out in accordance with the approved plans. This condition is not necessary because the development has already been carried out.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed.

Chris Preston

INSPECTOR