



Appeal Decision

Site visit made on 21 July 2020

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2020

Appeal Ref: APP/P4415/C/20/3249918

Land at 11 Manor Close, Rawmarsh, Rotherham S62 7NQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Lewis Bell against an enforcement notice issued by Rotherham Metropolitan Borough Council.
 - The enforcement notice was issued on 4 March 2020.
 - The breach of planning control as alleged in the notice is, without planning permission, the unauthorised erection of a boundary fence and gate.
 - The requirements of the notice are (1) Remove the 3 fence panels and gravel boards and 5 concrete posts adjacent Haugh Road; (2) Remove the first panel returning on each of the side boundaries with Nos 10 & 12 Manor Close; and (3) Remove the wooden gates adjacent Haugh Road.
 - The period for compliance with the requirements is one month from the date on which the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural matter

2. A linked appeal¹ also made on ground (a) alone has lapsed because no fee was paid in respect of the deemed planning application for that appeal.

Ground (a) - Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property stands between Manor Close, a residential cul-de-sac, and Haugh Road, which forms the edge of this part of Rawmarsh. An original element of the layout of this part of the estate is evident in the predominance of unenclosed garden areas along Haugh Road. This is particularly significant near the junction of Haugh Road and Symonds Avenue, where unenclosed

¹ APP/P4415/C/20/3249919

gardens and landscaped areas create a gentle transition to the countryside on the opposite side of both roads.

5. The boundary fence and gate are approximately 1.8m high and enclose all the land between the house and the footway on Haugh Road. As a result, and despite the existence of a grass strip between the footway and the road, the fence and gate are prominent features that diminish the openness of the road frontage and the sense of place this helps create. They fail to positively contribute to the local character and distinctiveness of the area and the way it functions.
6. The appellant has identified that similar scale means of enclosure have been erected nearby, at 17 and 18 Manor Close, and this was evident on my visit. However, the Council has advised that neither has planning permission and both are under investigation. Accordingly, their planning status is uncertain, so I cannot afford significant weight to them.
7. I understand the appellant's contention that the notice's requirement to only remove the gate and the parts of the fence closest to Haugh Road would not make much of a difference in views. However, I disagree. Owing to the rise in ground level toward Haugh Road and their proximity to the highway, these are the elements that cause most harm to the character and appearance of the area, particularly in views along Haugh Road. Their removal would therefore bring about a significant reduction in the harm caused to the character and appearance of the area.
8. For these reasons the gate and the sections of fence identified in the requirements of the notice have an unacceptable adverse effect on the character and appearance of the area. They are therefore contrary to policy CS28 of the Rotherham Local Plan Core Strategy 2013 – 2028, policy SP55 of the Rotherham Local Plan Sites and Policies Development Plan Document, paragraph 2.10 of the Council's Householder Design Guide Interim Planning Guidance, and paragraph 127 d) of the National Planning Policy Framework.

Other matters

9. The appellant contacted his neighbours before erecting the fence and has advised that no-one objected. While I am satisfied that the fence and gate cause no harm to the living conditions of any neighbour, the absence of that harm is a neutral factor and does not alter my findings on the main issue above.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I have upheld the enforcement notice and refused to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Mark Harbottle

INSPECTOR