
Appeal Decision

Site visit made on 30 June 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/C4615/D/20/3249791

2 Foxhunt Road, Halesowen, West Midlands B63 4LB

- 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 Abdul Alboraiki against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P19/1740, dated 6 December 2019, was refused by notice dated 17 March 2020.
 - The development proposed is erection of 1.8m front fence and gate.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The submitted application form does not give a description of the development stating, "please see attached sheet". The description used in the banner is therefore based on the appeal documents including the appellant's appeal form, plans, and the Council's Decision Notice.
3. At my site visit I could see that the development shown on the appeal plans has been erected.

Main Issue

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

Reasons

5. The host property is semi-detached, situated within a residential estate. It is set at an angle to other properties along the highway, and has a wider frontage than some others, because of its location at the junction of Foxhunt Road & Wassell Road. Properties in the vicinity have uniform front gardens featuring boundary treatments mainly consisting of low-level walling and hedging visible from the road.
6. The fencing and gate combined form a continuous tall hard engineered barrier against the highway. The height and position of the development is out of kilter with the prevailing character of the estate where low level solid boundary treatments together with noticeable garden greenery form pleasant aspects of the street-scene. As a result, the development generates an overly dominant and engineered appearance which detracts from the positive qualities of the locality. Moreover, the effect is exacerbated by the fact that the development faces toward a prominent road junction drawing increased attention to it.

7. For the above reasons, the development is incongruous and damaging to the character and appearance of the area. I have considered whether a planning condition could be imposed requiring the fencing to be finished in a more subdued colour, but that approach would not overcome my other concerns with respect to its excessive height and proximity to the highway.
8. I therefore conclude the development is harmful to the character and appearance of the area. If allowed it would conflict with Black Country Core Strategy (2011) policies ENV2 and ENV3 which aim to protect local distinctiveness and secure high-quality development. It would also conflict with Dudley Borough Development Strategy (2017) policies: L1; S1; and S6 which all support development that is responsive to the character and visual amenities of the local area for community members. As well as paragraph 127 b) of the National Planning Policy Framework which seeks decisions which ensure visually attractive development and the provisions of the National Design Guide reinforcing this aim.

Other Matters

9. I have carefully considered the appellant's reasons to erect the fence with respect to personal health, safety and crime prevention, but those reasons do not outweigh the visual harm I have identified.

Conclusion

10. For the above reasons I dismiss the appeal.

M Shrigley

INSPECTOR