



Appeal Decision

Site visit made on 8 September 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/J3015/D/20/3255518

2 Foxglove Road, Newthorpe NG16 2BG

- 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 Mark Smith against the decision of Broxtowe Borough Council.
 - The application Ref 20/00262/FUL, dated 15 April 2020, was refused by notice dated 16 June 2020.
 - The development proposed is described on the application form as to erect a 1.8m high featheredge close board fence supported on timber posts around the perimeter of the property as shown in red on the attached plan. The property boundary is exposed and not secure or safe for my young children to play. The fencing will provide a safe environment for my children to play. The timber fencing will be pressure treated and stained brown. Gated access to the property will be provided as shown on the plan. The gates will be constructed of the same materials as the fencing and at the same height.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Main Issue

3. The effect of the proposed fence on the character and appearance of the area.

Reasons for the Recommendation

4. No. 2 is a detached bungalow located on a prominent corner plot at the junction with Foxglove Road and Daisy Farm Road. The area is characterised by detached bungalows and two storey dwellings with either open boundaries or low level, natural boundary treatments which results in the sense of openness and spaciousness. The low-level boundary treatment, as well as the sense of openness and spaciousness, are essential elements to the character of the area. No. 2's boundary treatment currently comprises low level vegetation which is in keeping with the area.
5. The proposed 1.8 metre solid fence would enclose much of the perimeter of the appeal site, adjacent to Foxglove Road and Daisy Farm Road. It would be as a stark, prominent addition to this section of the street. The fence would appear out of keeping because of its height, length and solid nature. The scheme

- would not reflect the open character of the area nor the surrounding natural boundary treatments and it would be clearly evident due to the site forming a prominent corner plot.
6. The appellant considers that the Council has been inconsistent in determining similar applications as they have approved a similar fence in an adjoining village. I have not been provided with full details of the case at No. 15 Beauvale Rise and so cannot determine whether the circumstance in relation to the character and appearance of the area is comparable to the scheme before me. In any event, the images submitted with the appeal show that the area associated with No. 15 Beauvale Rise has less of an open character, than the context of the appeal site, as fencing, high hedges and walls are more prevalent.
 7. I noted on my site visit that some properties within the street scene, including No. 24 and 26 Daisy Farm Road, had higher hedges and timber fencing. However, the hedging and fencing only enclosed part of the plots, thus they did not detrimentally impact the open character of the street scene. Within the wider area I also noted more prominent fencing, for example on Thorn Drive and Gorse Close, but these looked out of place as they did not reflect the surrounding open plots.
 8. The appellant asserts that the fence would provide a safe and secure environment for their children to play and a smaller fence would not achieve these benefits. I acknowledge that Policy 10 of the Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan (2014) (ACS) promotes features to reduce opportunities for crime and the fear of crime, disorder and anti-social behaviour, and promotion of safer living environments. However, this is only one element of Policy 10, it also requires development to have regard to the local context.
 9. I appreciate that the proposed fence would provide a more safe and secure environment for the appellant's children, but little weight can be attached to such personal circumstances as these can change over time whereas the development would remain long after such circumstances have ceased to be relevant. Moreover, no evidence has been presented to indicate that the area suffers from high crime levels or that it would be inherently dangerous for children to play in the garden without a high fence. Accordingly, I do not consider that this matter would outweigh the harm identified.
 10. For these reasons, the proposed fence would have an unacceptable visual effect on the character and appearance of the area. Consequently, the scheme would conflict with Policy 10 of the ACS and Policy 17 of the Part 2 Local Plan 2018-2028 (2019). These Policies collectively seek, amongst other matters, to promote high quality design which relates positively to the character and appearance of the area.

Conclusion and Recommendation

11. For the reasons given above I recommend that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR