
Appeal Decision

Site visit made on 15 September 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2020

Appeal Ref: APP/D3505/D/20/3250642

42 Days Green, Capel St Mary, Ipswich, Suffolk IP9 2HZ

- 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 George Hudson against the decision of Babergh District Council.
 - The application Ref DC/19/05765, dated 14 January 2020, was refused by notice dated 10 March 2020.
 - The development proposed is described as 'A small picket fence, 80mm high. Along the front of the property where large bushes used to over hang the path'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At my site visit I observed that the development has already been carried out. I have dealt with the appeal on this basis.

Main Issue

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

Reasons

4. The appeal site comprises a residential property at 42 Days Green. The property is situated within a residential estate and oriented to face towards an open green space located on the opposite side of the highway. The nearby properties also face toward the open space and have open fronted gardens that generally feature soft landscaping in the form of grass and shrubs. The area has an open, verdant and spacious character as a result.
5. The fence extends across a large proportion of the front garden boundary of No 42 and is highly visible from the highway and the open space despite its low height. The fence appears as an incongruous structure which contrasts poorly with the appearance of the neighbouring front gardens and the open space. The character of the area is undermined as a consequence. Painting the fence or planting shrubs near to it would not address the harm I have identified.
6. I note that some properties feature vegetation which form borders to front gardens. However, this soft landscaping contributes positively to the verdant character of the area. In contrast, the fence forms a hard boundary to No 42 which appears out of place and provides a sense of enclosure which disrupts

the area's open and spacious feel. In addition, I consider that approval of the fence could be used in support of similar development around the open space, setting a precedent which cumulatively would exacerbate the harm identified.

7. The appellant considers that the removal of landscaping which was previously in situ in the garden and its replacement with the fence has improved the appearance of No 42. I have not been provided with full details regarding the previous condition of the property. However, I am required to reach a view as to the effects of the fence subject to the appeal and found it to be harmful in any event. The appellant also considers that the area is changing as a result of new development nearby and the restriction imposed on the original planning permission for the estate, which prevents the erection of fences, is now outdated. However, such restrictions are often imposed in residential estates and the fence nevertheless harms the area's character and appearance.
8. I therefore conclude that the development has a harmful effect on the character and appearance of the area. It is contrary to Policy CN01 of the Babergh Local Plan Alteration No. 2, which seeks to ensure that development is compatible with its surroundings. I also find that it is contrary to paragraph 127 of the National Planning Policy Framework, which sets out that development should be sympathetic with local character.

Other Matters

9. I appreciate that residents may have given the appellant positive feedback on the fence. I also acknowledge that the fence provides a sense of safety and security for the occupiers of the appeal property and their visitors. However, many of the nearby properties have unbound front gardens and substantive evidence has not been provided which suggests that there are safety or security issues in the area. I do not find that these matters outweigh the harm identified.

Conclusion

10. For the reasons set out above, the appeal is dismissed.

Mark Philpott

INSPECTOR