
Appeal Decision

Site visit made on 15 September 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/Z2505/D/20/3253094
187 Sleaford Road, Boston PE21 7PG

- 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 Rytis Ambrazevicius against the decision of Boston Borough Council.
 - The application Ref B/20/0024, dated 21 January 2020, was refused by notice dated 24 April 2020.
 - The development proposed is 'erection of a wooden fence that will be roughly 1.8 metres tall'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of the development from the appeal form as this describes the development more concisely. I have determined the appeal accordingly.

Main Issue

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

Reasons

4. Sleaford Road is a busy main route into and out of Boston. It is an attractive and established road characterised by a mix of house types set back from the road frontage behind wide grass verges with mature tree planting. Although some properties have open front boundaries and a small number, including the appeal site, have low walls or fences, mature boundary hedges combined with large mature front gardens provide a pleasant setting to the properties. The character and appearance of Sleaford Road is in part derived from the mature landscaping to the road frontage, to property boundaries and within residential front gardens.
5. The new boundary treatment would result in a significant length of solid enclosure along the front boundary that would contrast with the landscaped surroundings. I consider that the boundary treatment, as a whole, because of its height, length and prominence would be an obtrusive and incongruous feature in the street scene and would detract from the attractive landscaped character I have described.

6. I agree with the appellant that open front gardens are not the dominant boundary treatment in the area, particularly as the more modern development across the road, where open boundaries are prevalent, are set back behind significant mature tree planting. However, this does not change my conclusion that the fence would appear incongruous in the street scene.
7. I also accept that in the wider area there is some variety in boundary treatment along the street frontage. However, many of the sites that have been drawn to my attention are backed by mature landscaping which 'softens' their appearance. In any case these other sites do not directly contribute to the street scene around the appeal site.
8. I appreciate that the appeal site is relatively open at the front and that the appellant has concerns about the security of his property. However, I have no evidence before me to conclude that the proposed enclosure is the only option for providing security at the site.
9. Overall, I conclude that the proposal would be detrimental to the character and appearance of the area and would conflict with Policy 2 of the South East Lincolnshire Local Plan 2011-2036 which seeks to achieve development that is appropriate to the character and appearance of the area.

Other Matters

10. The appellant has referred to his rights under Article 8 of the Human Rights Act. I recognise the dismissal of the appeal would be an interference with the appellant's rights under the Human Rights Act. However, the appellant's individual rights under Article 8 must be balanced against the wider public interest, including the protection of the built environment. The local and national planning policies which aim to regulate development apply with equal force to the whole population. I am satisfied these legitimate aims can only be adequately safeguarded by dismissing the appeal.

Conclusion

11. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR