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## Appeal Decision

Site visit made on 23 November 2020 by Darren Ellis MPlan

**Decision by Susan Ashworth BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 December 2020**

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**Appeal Ref: APP/P1045/D/20/3258152**

**10 Thatchers Croft, Tansley, DE4 5AN**

- 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 Helen Ward against the decision of Derbyshire Dales District Council.
  - The application Ref 20/00493/FUL, dated 1 June 2020, was refused by notice dated 27 July 2020.
  - The development proposed is described as a fence installed to rear of property on the inside of part of the boundary wall on the lowest side.
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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.

### Preliminary Matters

3. The fence that is the subject of this appeal has already been constructed. I have dealt with the appeal on that basis.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the street scene.

### Reasons for the Recommendation

5. The appeal site comprises a detached dwelling in a residential area of Tansley. The site is on a large, prominent corner plot that is bound on three sides by Thatchers Croft and Thatchers Lane. Permission is sought for a fence that is attached to the side boundary wall of the rear garden adjacent to Thatchers Lane.
  6. The street scene is characterised by the layout of the buildings and open space. As a result of the street pattern, some dwellings including the appeal site have their rear gardens fronting the street. No 5 Thatchers Croft has a large side garden area adjacent to and visible from the street and Nos 1-4 Thatchers Croft have rear gardens that back onto and are visible from Nottingham Road, which is the main road through Tansley. Boundary treatments tend to be low
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stone walls which allow views across the space and contribute to the sense of openness. Overall, the street has a spacious and pleasant character and appearance.

7. The stone boundary wall to the property is 0.96m in height with the fence projecting 0.84m above it, giving a total height of 1.8m. While the fence is not particularly visible from the junction of Thatchers Lane with Nottingham Road, the fence is very prominent in Thatchers Lane immediately around the appeal site.
8. Policies S1, S3 and PD1 of the Adopted Derbyshire Dales Local Plan (December 2017) (LP) require, amongst other things, that development respects the character, appearance and distinctiveness of the settlement. In this case the height and extent of the fence would create a sense of enclosure that would fail to retain the open, spacious character and appearance of the street. The fence is picket-style and has been painted anthracite grey which lessens the visual impact. However, the fence remains an obtrusive feature in the street scene.
9. Three properties in Thatchers Croft have fences around part or all of their front gardens and the appellant has provided photographs of other fences and trellises in Thatchers Lane. However, these fences do not have the same combination of height, length and prominence as the fence in this case. Moreover, they are not defining characteristics of the street scene. As such the presence of these fences does not justify the proposal.
10. For the reasons given above, I conclude that the proposal causes significant harm to the character and appearance of the street scene. The proposal would therefore conflict with Policies S1, S3 and PD1 of the LP.

#### *Other Matters*

11. I accept that the fence provides a degree of privacy to the rear garden, although the appellant accepts that the rear garden will always be overlooked, and security for a dog. I have sympathy with these concerns and have taken them into account. However, there is no reason why security and privacy could not be provided by other forms of boundary treatment, including landscaping, which would not have such a harmful impact on the character and appearance of the area as the fence.
12. For the reasons given above and having had regard to all other matters raised, including the letters of support for the proposal, I recommend that the appeal should be dismissed.

*D Ellis*

APPEAL PLANNING OFFICER

#### **Inspector's Decision**

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*S Ashworth*

INSPECTOR