



Appeal Decision

Site visit made on 9 February 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/K2420/W/20/3263497

2 Brodick Close, Hinckley LE10 0TU

- 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 Bill Sutton against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 20/00994/FUL, dated 23 September 2020, was refused by notice dated 16 November 2020.
 - The development proposed is erection of boundary fence and change of use of land to residential curtilage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed fence is already in situ and I have therefore considered the appeal on the basis that retrospective planning permission is sought.

Main Issue

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

Reasons

4. No 2 Brodick Close is a two-storey semi-detached dwelling located on a corner plot with the side of the property facing Brodick Road. The front boundaries of properties on Brodick Road are predominantly open. Where boundaries treatments sit side on to the street on Brodick Road, they are more often set back from the pavement with intervening grass verges or consist of soft boundary planting. These factors combine to give the street scene on Brodick Road a pleasant and spacious residential character.
5. The height and span of the fence, the materials incorporated and its position next to the pavement present as a harsh and unattractive feature. The prominence of the fence within the street scene is emphasised by its position set forward of the neighbouring row of dwellings on Brodick Road and aligned with the more open front boundaries which serve these properties. As a result, the fence is an incongruous addition to the street and the loss of the grass verge detracts from the spacious residential setting on Brodick Road.
6. My attention has been drawn to a previous planning permission at the site which included the realignment of a boundary wall. However, the plans before me indicate that the realigned wall was to be set back from the pavement.

Therefore, the relationship of the previously approved scheme is not comparable to the appeal proposal.

7. With regards to the suggestion that the height of the fence is required to prevent the appellant's dogs escaping, there is nothing before me to suggest that a boundary treatment set back from the pavement could not perform a similar function. Whether or not the fence was cost effective, easy to construct and maintain, provided security during construction of an extension and resolved problems related to littering or dog fouling on the grass verge, these are not matters which persuade me that the harmful impact of the development on the character and appearance of the area would be justified. Even though the Council did not refuse the development on high safety grounds, this is of neutral consequence and does not outweigh the harm identified.
8. I have seen the examples provided by the appellant of other boundary fencing in the area. I am not aware of the circumstances which led to the erection of these fences. In any case, I have assessed the appeal development on its own merits and the examples given do not convince me that the stark contrast of the development with the prevailing characteristics of Brodick Road would be acceptable.
9. I conclude that the development has a significantly harmful effect on the character and appearance of the area. In that regard the development conflicts with the requirements for development to complement or enhance the character of the surrounding area in Policy DM10 (Development and Design) of the Hinckley & Bosworth Borough Council Site Allocations and Development Management Policies Development Plan Document (2016).

Other Matters

10. A neighbouring resident has offered their support to the proposal. With regards to matters raised that have not been covered under the main issue, traffic congestion, air pollution and speeding traffic on the road do not justify the detrimental visual impact of the development. Any claims that the Council has a vendetta against the appellant are unsubstantiated and in any case are not material to my assessment of the development against the development plan.

Conclusion

11. For the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR