



Appeal Decision

Site visit made on 26 January 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/F1040/W/20/3261402

24 Thompson Close, Mickleover, Derby, DE3 0AU

- 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 Mrs Emma Mari against the decision of South Derbyshire District Council.
 - The application Ref DMPA/2020/0512, dated 14 April 2020, was refused by notice dated 24 August 2020.
 - The development is described as an alteration to existing fence to include part of side garden. Proposing to erect standard fence, with hedges/planting to screen.
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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 Issues

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

Reasons for the Recommendation

4. The appeal site comprises a detached dwelling on a corner plot on the end of Thompson Close, with the side boundary adjacent to a public footpath. The street is part of a recently built housing estate that consists of predominantly detached dwellings that area set back from the highway with front gardens. Most of the front boundaries have a low wooden barrier while some properties have no physical boundary at all. There are a few properties, including the appeal property, where taller fences that enclose the rear gardens are visible from the street. However these fences generally follow the building lines of the adjacent properties, such that they do not project into the gardens and verges to the front and side. Overall, the estate has an open, green and pleasant appearance and character and the carefully planned arrangement of front and rear boundaries contributes to that pattern of development.
 5. Policy BNE1 of the South Derbyshire Local Plan Part 1 (2016) (LPP1) requires development to respond to the local context and Policy H27 of the South Derbyshire Local Plan Part 2 (2017) (LPP2) requires householder development
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to not be unduly detrimental to the general character and appearance of the area. The supporting text to Policy H27 goes on to say that while the erection of boundary treatments can provide privacy to residential amenity space, open spaces within residential developments that positively contribute to the street scene or overall setting of such areas should be maintained, where enclosing those spaces could unduly impact on the open character of the area. This is supported by guidance on page 54 of the South Derbyshire Design Guide Supplementary Planning Document (2017) (SPD), which recommends 'that rear garden boundaries that are exposed to public view (e.g. at the side of a property adjacent to the street) do not sit forward of the building line', in order to preserve the character of the street scene.

6. The proposed fence would project to the side of the property and would be set in approximately 0.5m from the boundary adjacent to the public footpath. Consequently, it would be well forward of the building line and would significantly reduce the existing open space to the side of the property. In this case the height and extent of the fence would fail to retain the open appearance and character of the street, and the fence would be an obtrusive feature in the street scene at a prominent point on the corner of the Close, adjacent to the footpath.
7. The appellant states that a hedge would be planted in between the fence and the highway to screen the fence. However, the hedge would take some time to become established and to provide sufficient screening, and a hedge could be cut down or removed at any time. As such a hedge would not comprise a permanent screen for the fence. In any event, the combination of a hedge and fence would enclose the space and detract from the deliberately planned open character to the side of the property which forms part of the wider character of the estate. Consequently, the suggestion does not overcome my concerns in that regard.
8. For the reasons given above, the proposed fence would cause significant harm to the appearance and character of the area. The proposal would therefore conflict with LPP1 Policy BNE1, LPP2 Policy H27 and the guidance in the SPD.

Other Matters

9. Whilst the fence would provide additional privacy to the side facing windows, those windows are set back from the edge of the pavement to maintain adequate levels of privacy and it is not unusual for ground floor living rooms to be visible from the public realm. The private garden and the area to the rear is already screened by existing fencing.
10. I recognise the desire for added security but the side of the property is visible in the public realm and benefits from good levels of natural surveillance. There is little evidence that enclosing the space would enhance security and any would be intruders would be less conspicuous in the space to the side and rear of the property once the enclosure had been scaled. The proposal would also narrow the path at the side of the dwelling at a pinch point on the corner reducing visibility for passers-by as they travel round the corner and reducing surveillance from the dwelling onto the footpath, making it less attractive to potential users. Accordingly, I am not satisfied that the proposal would result in any notable benefit in terms of security and reduction of crime.

11. I note the appellant's concerns regarding the advice previously received by Bloor Homes with regard to the proposed fence. However, this is a matter that would need to be taken up with Bloor Homes in the first instance, and in determining the appeal I have only had regard to the planning merits of the case.
12. The effect of a proposal on property values is not a material planning consideration.
13. 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.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR