



Appeal Decision

Site Visit made on 17 August 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2021

Appeal Ref: APP/C3430/W/21/3274269

10 Kentmere Close, Penkridge, Stafford, ST19 5EG

- 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 Wilfred Dawes against the decision of South Staffordshire District Council.
 - The application Ref 21/00164/FUL, dated 20 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is the realignment of an existing garden fence.
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Decision

1. The appeal is allowed and planning permission is granted for the realignment of an existing garden fence at 10 Kentmere Close, Penkridge, Stafford, ST19 5EG in accordance with the terms of the application, Ref 21/00164/FUL, dated 20 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved drawings: TQRQM20306143840485 and TQRQM20306163151475 (annotated).
 - 3) No part of the development hereby permitted shall exceed 2 metres in height, and the fence panels shall be constructed from wood.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal in the context of the revised Framework, on which the parties have been given the opportunity to comment.

Main Issue

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

Reasons

4. The appeal site is a corner plot at the junction between Kentmere Close, to the front, and Cherrybrook Drive, to the side. It contains a semi-detached dwelling with a tall timber fence with concrete posts along the side boundary that is set back from the highway by a grass verge. The fence and verge are in a prominent position and are read in relation to Cherrybrook Drive rather than Kentmere Close. While generally characterised by a sense of openness, front boundary treatments along Cherrybrook Drive are varied, with examples of

both hedgerows and fences visible in the highway, and open frontages. Although Kentmere Close is more uniform in appearance, the proposal is not read in relation to the frontages along this street.

5. The proposed fence would be similar to the existing and therefore would be residential in nature. The length of the fence would also not be dissimilar to that already existing, and although it would include more panels perpendicular to the road these are not uncommon within the area. In these regards, I find the appearance of the fence itself would be in keeping with the street scene. As the frontages within the street scene are not uniform, and the level of openness varies, whilst the open space between the fence and highway would be reduced, the smaller area would still be sufficient for the site to contribute positively towards the general sense of openness.
6. Therefore, the proposal would not unacceptably affect the character and appearance of the surrounding area and would comply with Policy EQ11 of the Core Strategy Development Plan Document (adopted 2012) which, amongst other things, requires that development is of a high quality which respects local character and distinctiveness.

Conditions

7. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the National Planning Policy Framework and the Planning Practice Guidance. In the interests of clarity and enforceability I have made some changes to the wording.
8. For certainty I have set out the timescale for the commencement of works. A condition is also necessary, for certainty, requiring that the development is carried out in accordance with the approved plans.
9. I note that the Appellant's plans do not show the height of the proposed fence and that the Council have suggested that a condition is imposed requiring the fence be no greater than 1.8m high, in the interests of highway safety. Whilst I do not find it likely that the proposal would unacceptably affect highway safety, in the interests of protecting the character and appearance of the area I find it would be necessary to define a maximum height. I note the appellant suggests a height of 2m within their appeal statement and I find that this would be a more appropriate maximum than the 1.8m suggested by the Council.
10. The Council have also suggested a condition is imposed requiring the fence panels be constructed of featherboard timber. Whilst I find that limiting the fence panel type to only featherboard is overly restrictive, in the interests of protecting the character and appearance of the area, I find that ensuring they are timber would be acceptable.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR