



Appeal Decision

Site visit made on 20 December 2021

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 5TH January 2022

Appeal Ref: APP/P0240/D/21/3284234

50 Tyburn Lane, Pulloxhill MK45 5HG

- 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 Keith Lawson against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/03264/FULL, dated 12 July 2021, was refused by notice dated 22 September 2021.
 - The development proposed is Single Storey Rear Extension, Front Porch, Pitched Roofs over Dormers, Part Removal of Boundary Wall & Erection of Fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the determination of the application, the council made some changes to the description of development in order to better reflect the proposed development requiring planning permission. I have therefore used the description of development as shown on the decision notice.
3. In their decision notice the council have made it clear that they have taken no issue with the majority of the proposals and their objection solely relates to the proposed fencing element. I have no reason to dispute this and have proceeded with this appeal on that basis.

Main Issues

4. The main issue is whether the proposed fencing would be harmful to the character and appearance of the area.

Reasons

5. Tyburn Lane is a rural residential street with an open verdant character located to the north west of the small village of Pulloxhill. Residential properties are arranged along the south side of the road and are generally modern, two storey or 1.5 storey of a similar style.
6. The appeal property, No 50 is located on the corner of Tyburn Lane where it meets Whinnetts Way, which has a similar character. The bellmouth to Whinnetts Way, where No 50 is situated is flanked by two grassed verges where the footway is situated behind it. This enhances the open feel of the street.

7. Moving into Whinnetts Way, the side boundary of the appeal property is apparent from a planted verge and brick wall. The verge then gradually disappears as the footway meets boundary wall which encloses the rear garden of the appeal property.
8. The proposed fencing would result in the movement of this boundary to permanently enclose the verge adjacent to the appeal property. The new fence would be erected part way down the side elevation of the appeal property, enclosing some of the grass verge and running along the back of the footway to the point approximately where the existing brick wall runs along the back of the footway.
9. Policy D1 (The Design of New Development) of the Flitton, Greenfield & Pulloxhill Neighbourhood Plan (2021) (NP) sets out that new development will be supported subject to a list of design criteria, which includes the need to *'Relate to the existing development pattern in terms of enclosure and definition of streets/spaces'*.
10. Further, Policy H10 (Small Open Spaces within Towns and Villages) of the Central Bedfordshire Local Plan (LP) seeks development that protects against the loss of verges and landscape strips which contribute to visual amenity subject to social, economic or environmental benefits which outweigh the need for such protection.
11. Policy HQ1 (High Quality Development) of the LP seeks, amongst other things, *'high quality hard and soft landscaping appropriate to the scale of development ... used to integrate the proposal into the existing built, natural and historic environment'*.
12. Section 12 of the National Planning Policy Framework (the Framework) further reinforces the need for well designed places which specifically mentions the need to create and reinforce quality streets and spaces which result in attractive, welcoming and distinctive places to live, work and visit.
13. The fence would result in an increase in the level of enclosure to the first part of Whinnetts Way, obscuring some views into it. As a result, this would reduce the open feel in this part of the street. I note that the council consider the verge to be a 'valuable area of public amenity space' and whilst it is in private ownership and not available for public use *per se*, it still provides pleasant visual relief to the built form of the street in this location.
14. I note the examples, provided for comparison by the appellant that have resulted in similar enclosures within the wider area. However, many of these are planted verges, which do not have the same impact as a timber fence erected along the back of the footway and appear softer within the street scene.
15. I therefore consider the proposed fence would be harmful to the character and appearance of Whinnetts Way, contrary to policy D1 of the NP as well as policy H10 and HQ1 of the LP, together with the relevant parts of Section 12 of the Framework.

Other Matters

16. I have considered the point made by the appellant concerning some pedestrians cutting across the grass from the existing footway at 45 degrees to

shorten their route, which results in wear and tear to the grass. However, I do not see why a 2m fence would be the only solution to this problem. Whilst I agree a 2m fence would define the appellants boundary and completely prevent trespass across the grass, there could be other boundary defining solutions available to the appellant that would, in my view, have less of a harmful effect on the street scene. Such circumstances do not, in my view constitute a significant social, economic or environmental benefit that would indicate that a departure from policy H10 of the LP would be warranted in this case.

Conclusions

17. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR