
Appeal Decision

Site visit made on 5 January 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2022

Appeal Ref: APP/B2002/D/21/3276846
51 Wroxham Avenue, Grimsby DN34 5SQ

- 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 Thomas Leonard against the decision of North East Lincolnshire Council.
 - The application Ref: DM/0251/21/FUL, dated 7 March 2021, was refused by notice dated 21 May 2021.
 - The development is described as 'erect fence with five feet high feather edged board in rough sawn timber.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development has already been carried out and, hence, I have dealt with the appeal on a retrospective basis.

Main Issue

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

Reasons

4. The fence extends beside the long site frontage of the appeal site and abuts the rear of the footway. It reaches a height of around 1.5 metres and has the appearance of a close boarded wooden structure. The gates set into the fence are of a similar appearance. The same form of fencing is found along the side boundaries that project forward of the associated house on the site.
5. The site is located on a housing estate where the properties are set out in a planned layout and have a similar design. The site itself is set close to the corner of Wroxham Avenue with Evesham Avenue. The site frontages of other properties on Wroxham Avenue are largely enclosed by picket fencing or vegetation, whilst those on Evesham Avenue are bounded by low brick walls.
6. Compared to its surroundings, the height and design of the fence presents a more dominant type of enclosure. It appears in stark contrast with the more open and lower forms of boundary treatment. It is also markedly visible with its expanse across the site frontage and due to its proximity to the street corner. Taking these factors together, the fence has a significant detrimental

effect on the visual appearance of the street and the general character of the area.

7. The harm does not arise from the construction standard of the fence itself, which is not untypical for such a structure. Nevertheless, this does not address that the fence results in a harsh site frontage that differs considerably from the prevailing forms of front boundary enclosure that are found in its vicinity. Nor does planting in this enclosed front garden area change my view. Hence, it appears out of character.
8. I have been made aware of the state of the previous fence and the effect this had on other work to the outside of the property. However, this fence is no longer in situ in order for particular comparisons to be drawn and so the appeal has to be considered on the basis of the fence before me. There was some support for the fence expressed during the planning application on appearance grounds, but for the reasons that I have set out above, I take a different view.
9. I conclude that the development has an unacceptable effect on the character and appearance of the area. As such, it does not comply with Policies 5 and 22 of the Council's North East Lincolnshire Local Plan 2013 to 2032 (2018) where they are concerned with the suitability of development and a high standard of sustainable design, including a thorough consideration of the particular site's context. It also does not accord with the emphasis that the National Planning Policy Framework puts on achieving well designed places.

Other Matters

10. The appellant has pointed to that the fence creates a safe and secure frontage to the property for the occupiers and that roads nearest the site are busy with traffic. Interested parties have said that the fence improves privacy and also slows traffic. However, achieving a not unacceptable effect on the character and appearance of the area is also a legitimate planning consideration and which in this case is decisive. There is also not substantive evidence before me that other less intrusive forms of enclosure or other measures would not equally achieve these desired outcomes.

Conclusion

11. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR