



Appeal Decision

Site visit made on 16 November 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/W3005/D/21/3279344

65 Beauvale Crescent, Hucknall NG15 6PQ

- 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 Jake Sheppard against the decision of Ashfield District Council.
 - The application Ref V/2021/0256, dated 31 March 2021, was refused by notice dated 17 May 2021.
 - The development proposed is the erection of a 1.8m high fence on boundary line.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have slightly amended the description of development used on the planning application form for the banner heading above, omitting superfluous wording about security and privacy which is not descriptive of the proposal. Nevertheless, I address those matters in my reasons below.
3. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. The parts of the Framework most relevant to the Council's reason for refusal, and therefore this appeal, have not been significantly amended. As a result I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.

Main Issue

4. The main issue is the effect of the proposed fence on the character and appearance of the area.

Reasons

5. The appeal property is a two-storey semi-detached house in a residential neighbourhood. The area is characterised by similar housing, which for the most part is set back from the public highway behind front gardens, often with driveways. Although the address of the property is Beauvale Crescent, it is on a corner plot and is accessed from Springfield Road. As with many other corner

- plots in the area, although not all, the property is set at an angle from the two roads. The layout of the buildings and generous front gardens on many corners, combined with the prevailing use of hedges or low fences on front boundaries, give the surroundings a reasonably open and spacious character.
6. The proposal is to erect a fence on the boundary between the front garden of No 65 and that of the neighbouring property at No 67 Beauvale Crescent. The fence would be constructed of timber panels, gravel board, and concrete posts, and would be around 1.8m high. It would replace an existing fence around 1.2m high.
 7. The proposed fence would, because of its height, appear as prominent feature in the street scene, especially when approaching from the direction of Common Lane. In my view, this would detract from the open and spacious character of the area. I saw on my site visit that there are already hedges in the area, including on the street boundaries of the appeal property, which are a similar height to the proposed fence. However, they are softer features and so make a more positive contribution to the character and appearance of the area than would the proposed fence.
 8. The appellant drew my attention to other fences in the area which it was suggested were comparable in height to that proposed in this case. However, only that at No 1 appeared to be in a comparable setting to the appeal proposal, and even then from what I was able to see on my site visit it did not appear to be either as tall or as prominent in the street scene as that proposed at No 65. The fence at the front of No 60 Beauvale Road contributes to closing off an otherwise open corner, and so diminishes the spacious character of the area. In my view it does not therefore make a positive contribution to the streetscene and, while I do not know the circumstances in which it was permitted, it does not weigh in favour of the appeal proposal. The fence at No 68 Beauvale Crescent, almost opposite the appeal site, forms the boundary to a side and rear garden which serves a property with no front garden; the circumstances of that site are somewhat different, and again it does not support the appeal proposal.
 9. The appellant has indicated that the proposed fence is intended to provide increased privacy and security now and for "future children and pets". However, in my experience it is normal and to be expected that most front gardens will be no more than semi-private, and so the security and privacy concerns do not justify the proposed scheme. I note from the submitted drawings and what I was able to see on my site visit that the appeal property appears to have, by the standards of the neighbourhood, a relatively small area at the side and rear which could be adapted to provide some private space. However, this consideration does not justify the harm to the prevailing character of the area which the current proposal would cause, although it may be possible to develop a less intrusive scheme to reflect the site's circumstances.
 10. Finally, the appellant suggested that a lower fence, or a fence with a lower panel closest to the highway, could be installed without requiring planning permission. I do not have sufficient information before me to be able to confirm whether or not that is the case. However, any alternative scheme which was lower than that now proposed, even if only in part, would be likely to have a lesser impact on the streetscene and the character and appearance of the area.

The possibility that this may be a fallback position for the appellant does not therefore carry significant weight in favour of the appeal proposal.

11. I conclude that the proposed fence would be harmful to the character and appearance of the area, and the proposal therefore conflicts with Policy ST1 of the 2002 Ashfield Local Plan Review. Among other things this policy seeks to ensure that development does not have an adverse effect on the character or quality of the area. For the same reason, the proposal conflicts with the requirements of Part 12 of the Framework which seek to achieve well-designed places, notably Paragraph 130.

Conclusion

12. The proposal would be harmful to the character and appearance of the area, and so would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector