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## Appeal Decision

Site visit made on 26 January 2022

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

**Decision date: 1 February 2022**

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**Appeal Ref: APP/Z3445/D/21/3285243**

**33 Cromwell Road, Coton Green, Tamworth, Staffordshire B79 8ND**

- 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 M Dawes against the decision of Tamworth Borough Council.
  - The application Ref 0288/2021, dated 26 May 2021, was refused by notice dated 29 July 2021.
  - The development proposed is described as retrospective application for the retention of a 1.7m to 1.8m timber boundary fence.
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### Decision

1. The appeal is dismissed.

### Procedural matters

2. On the basis of the submitted delegated report, the plans referred to in the decision notice and the appeal form, the application seeks permission for the fence that has been built subject to two modifications. The first modification is the planting of landscaping between the fence line and the pavement. The second is the angling of the corner of the fence adjacent to 35 Cromwell Road away from this property. I have determined the appeal on this basis.
3. Following the submission of the appeal in October 2021 the appellant submitted further supporting information in December. This information included a letter written at appeal stage from the occupier of 30 Cromwell Road. Whilst I have taken into account the further information from the appellant in the determination of this appeal the submitted comments of the neighbour that were included have not been taken into account. This is because the appeal has been dealt with by way of the 'Householder Appeal Service' (HAS) which is an expedited process that does not allow comments made by neighbours at appeal stage to be submitted. Only third party comments received by the local planning authority at planning application stage can be taken into account in HAS appeals.

### Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

## Reasons

5. Cromwell Road is a long residential street that ends in a series of cul-de-sacs. It is characterised by the regular pattern of closely spaced, detached, gable fronted houses. An attractive feature of the road is the openness of front gardens and corners. This is an important design feature which helps to offset the density of built development and helps create a high quality residential environment.
6. No 33 is a corner property. Based upon the 'Google Earth' photographs that have been submitted it is evident that before the fence that is the subject of this appeal was erected its side garden was open. The space that this provided within the street scene, in conjunction with the open land to the side of Nos 30 and 32 opposite, helped to provide the balance between buildings and openness that characterises the road. It therefore formed one of the important features of the design and layout of the street and made a positive contribution to its character and appearance.
7. The tall fence that has been erected, consisting of concrete posts, gravel boards and wooden close boarded panels, closes off the side garden to No 33 and creates a street scene that is far more enclosed and urban in character. Planting forms part of the proposed amendments within the narrow grass verge between the fence line and the back edge of the pavement and I saw that planting has occurred. However, whilst planting, in time, will soften the appearance of the fence, and fence panels with the attractive side facing outwards will slightly improve its appearance, it will not change the fact that the side garden would remain closed off. As a result, it would not overcome the harm described.
8. The enclosure of side gardens by tall fences at Nos 21, 41 and 51 has been referred by the appellant in support of the appeal. The side garden to No 21 has been enclosed by a tall hedge behind which is a similar fence to that which has been erected at No 33. However, this hedge and fence largely enclose a short cul-de-sac spur off Cromwell Road, rather than along its main route, as is the case with the appeal fence at No 33. As a result, it is less prominent and affects the character and appearance of the street to a far lesser degree. At No 41, although a fence is in place, the openness of the corner is retained by virtue of a wide grass highway verge between the pavement and carriageway. In relation to Nos 49 and 51, the fences are located at the end of the cul-de-sac beyond which motor vehicles travel. As a result, they are not prominent features in the street scene. Reference to these fences on Cromwell Road has not therefore altered my assessment of the proposal.
9. In support of the appeal fencing at 109 Coton Lane, 9 Mayfield in Stoneydelph and the fencing on certain streets on the Coton Green estate has also been referred to. It is an established principle that each planning application is assessed on its merits. These are different streets with houses that have differing relationships with the road and neighbouring properties. As a result, these other fences do not justify the appeal proposal and they are not considerations of material weight in favour of it.
10. Taking all these matters into account, I therefore conclude that the proposed development constitutes poor design that would harm the character and appearance of Cromwell Road. This would be contrary to policy EN5 of the Tamworth Borough Council Local Plan which seeks high quality development that

respects setting and context. As the treatment for the boundary is not appropriate to its context it would also be contrary to the supplementary planning document 'Tamworth Design Guidance'. Furthermore, as the proposal would be contrary to the development plan it would not benefit from the presumption in favour of sustainable development contained in the National Planning Policy Framework.

### **Other matters**

11. As built the eastern end of the fence adjacent to No 35 is set close to the pavement. As a result, when parked close to the fence and exiting the parking area in front of No 35 visibility of oncoming traffic is obscured for a driver until they are just about to join the carriageway. Nevertheless, with the fence set back 2.3m from the rear of the carriageway the level of visibility provided in relation to exiting vehicles is adequate.
12. Given that this is a residential area of family housing on cul-de-sacs connected by footways pedestrians are likely to be a regular feature of the street. Consequently, I therefore find that the proposed splay to improve the visibility of pedestrians is necessary to protect safety.

### **Conclusion**

13. The proposal would be contrary to the development plan and there are no material considerations that outweigh this conflict and the harm that would be caused. Accordingly, I therefore conclude that the appeal should be dismissed.

*Ian Radcliffe*

Inspector