
Appeal Decision

Site visit made on 1 February 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH February 2022

Appeal Ref: APP/F3545/D/21/3288004

15 Leabrook Close, BURY ST. EDMUNDS, IP32 7JH

- 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 Mark Rackham against the decision of West Suffolk Council.
 - The application Ref. DC/21/1871/HH, dated 24 June 2020, was refused by notice dated 29 November 2021.
 - The development proposed is described as "we currently have a 12 Foot Hedge at the bottom of our garden that offers seclusion from the neighbouring properties. We believe that this has been at the property since it was built. We would like permission to take the Hedge out and replace it with a 10 foot Fence."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development was agreed, and I have therefore used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposal on (1) the character and appearance of the area; and (2) the living conditions of neighbouring residents, with particular reference to outlook.

Reasons

Character and Appearance

4. The appeal property is part of a wider residential development where landscaping and incidental planting are notable features of the streetscene, and make a positive contribution to the character and appearance of the area. Whilst walls and fencing provide privacy to gardens throughout the estate, these tend to be softened by additional planting.
5. The existing conifer hedge at the site is tall and dense, and projects significantly above the prevailing fence height of neighbouring properties. The appeal property sits elevated above the dwellings to the rear in Brakenwood

Crescent. However, similar relationships between buildings would appear to exist elsewhere in the area due to the local topography.

6. The proposed fence would be lower in height than the existing hedge, but would be a harsher feature that would be out of keeping with the surrounding fence heights. As with the existing hedge, the proposed fence would be visible from the public domain in gaps between the appeal property and the adjacent houses, and also in views across gardens from the footpath between Leabrook Close and Brakenwood Crescent. It would be a prominent feature in views from the car park to the rear of the site, which although not a public area, is accessed by residents. Whilst the new fence would be lower than the existing hedge it would nevertheless be an unduly intrusive and jarring feature as a result of its height above the prevailing boundary treatment and its solid materials.
7. I am mindful that no surrounding residents or the Bury St Edmunds Town Council objected to the proposal. However, the views of individual residents are only one aspect of the decision-making process, and it is also appropriate to consider the wider impact on the setting in the short and longer term.
8. I therefore conclude that, as a result of its height, materials and design, the proposal would detract from the character and appearance of the area. This would be contrary to the overarching design aims of Core Strategy¹ Policy CS3, and Local Plan² (LP) Policy DM2, which amongst other criteria requires development proposals to recognise landscape/townscape character and local distinctiveness, and to maintain a sense of place and/or local character; and contrary to LP Policy DM24, which requires ancillary development within the curtilage of dwellings to respect the character and appearance of the immediate and surrounding area.

Living Conditions

9. Although it would extend along the rear and part of a side boundary between gardens, the proposed fence would not be sited particularly close to the dwellings fronting Leabrook Close and Brakenwood Crescent. Whilst the fence would be a notable feature when viewed from gardens, it would not be so close that it could be regarded as unduly overbearing and oppressive on outlook, particularly given the height of the existing hedge.
10. I do not therefore consider that the proposal would diminish the outlook for surrounding residents to a degree that their living conditions would be harmed, and on this point the proposal would accord with the aims of LP Policy DM2, to ensure that the amenities of adjacent areas are not adversely affected; and with LP Policy DM24, which requires development to not adversely affect the residential amenity of occupants of nearby properties. However, this does not outweigh my conclusion on the first main issue.

Other Matters

11. The appellant advises that, due to the relative land levels, the removal of the existing hedge would lead to direct loss of privacy for the appeal property and the dwellings to the rear. However, at the appeal site visit it was apparent that

¹ St Edmundsbury Core Strategy 2010

² West Suffolk - Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document, 2015

the existing hedge does not screen all views from first-floor windows of the appeal property, and in a suburban residential area a degree of mutual overlooking would not be unexpected. Whilst the concerns of the appellant are noted, I do not consider that the back-to-back distance between the appeal property and the dwellings to the rear is so close that material harm would be likely to result without the introduction of a fence of the height proposed.

12. I do not doubt that the existing hedge is no longer safe to maintain due to its height and depth. However, I am not persuaded that this issue can only be resolved by replacement with a fence of the height and design proposed. Whilst I appreciate the appellant's concerns, these factors do not outweigh the harm identified.

Conclusion

13. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR