
Appeal Decision

Site visit made on 8 February 2022

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref: APP/P3040/D/21/3285883

13 Brickley Crescent, East Leake LE12 6LT

- 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 I Leake against the decision of Rushcliffe Borough Council.
 - The application Ref: 21/01252/FUL, dated 19 April 2021, was refused by notice dated 9 August 2021.
 - The development is a 2 metre high timber close boarded boundary fence.
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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 appeal property contains a long site frontage that extends around the inside of a bend on Brickley Crescent. The 2 metre (m) high fence that is the subject of the appeal is found on the part of the frontage which faces eastwards. It has the appearance of a close boarded wooden structure. There is fencing of the same design but of a lower height which extends around the bend itself. The same form of fencing also extends from the frontage up to the associated dwelling, at a slightly lower height. At the time of my site visit, there was a container-like structure between the fence and the dwelling.
5. The appeal site is located in an area of housing where the properties are set out in a planned layout and have similar bungalow based designs. The prevailing form of boundary treatment is low walls. There are also open frontages and low fencing, as well as vegetation. A hedgerow is found opposite the site.
6. The Council's Rushcliffe Residential Design Guide Supplementary Planning Document (2009) (SPD) sets out design principles and guidelines to be applied to residential development. With regard to boundary details, it recognises that as they define the public and private space, they are often the most important

- elements in the streetscene. It also refers to the potential for planting to the street side and to maintain the green character.
7. In these surroundings, the height and design of the fence presents a dominant type of enclosure. It appears in stark contrast with the lower forms of boundary treatment found in its vicinity, as well as compared to the softer form of the hedgerow opposite. It is also conspicuous as it is sited adjacent to the footway and encloses part of what is an overall expansive frontage area. Its proximity to the bend further adds to its visibility as a visually intrusive form of development that is unduly prominent.
 8. The fence thus results in a detrimental effect on the more open appearance, including to the setting of the property. The clear departure from the front boundary treatments found in its vicinity means that it fails to make a positive contribution to the public realm and sense of place. As boundary treatments go, the fence does not correspond to the vernacular. Taking these factors together, it has an adverse impact on the character and appearance of the area.
 9. Such a harmful effect is not overcome by the small number of properties that are found beyond the site because this does not address that the fence is not in keeping. The same applies when considering that the remainder of the fencing on the appeal site is at a lower height and the typical construction standard of the fence. Nor can it be reasonably said to be limited due to the distance it extends along the frontage. This is because of its height, in particular.
 10. With regard to the fencing on a property at the entrance to this area of housing, this is set above a low boundary wall and has significant expanses of hedgerows on either side. This lessens its impact and so the site circumstances differ from what is for my consideration. Trailing plants on the street side and the use of colour treatment would also not satisfactorily deal with the hard appearance of the fence because it would continue to appear as an uncompromising feature. Accordingly, it would be unlikely to soften over time to the extent that it would not noticeably depart from the local character.
 11. I conclude that the development has an unacceptable effect on the character and appearance of the area. As such, it does not comply with Policy 10 of the Council's Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Local Plan Part 2: Land and Planning Policies (2019) where they are concerned with a positive contribution to public realm and a sense of place, reinforcing valued characteristics, and being sympathetic to the character and appearance of the area, amongst other considerations.
 12. The development also does not comply with the SPD where it is concerned with good design principles to achieve the highest quality of design of development, including its guidance on boundary fences. It also does not accord with paragraph 130 of the National Planning Policy Framework where it sets out that planning decisions should ensure developments, amidst other matters, add to the overall quality of the area, are visually attractive and are sympathetic to local character.

Other Matters

13. The appellant has pointed to that the fence protects the privacy of the occupiers and that the SPD states that private areas should not be excessively

overlooked, as well as the lack of objections from local residents, notwithstanding that concerns were expressed by the Parish Council and local Councillors. 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 this desired outcome.

Conclusion

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

Darren Hendley

INSPECTOR