



Appeal Decision

Site visit made on 1 February 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2022

Appeal Ref: APP/W3005/D/21/3287614

4 Bloomer Wood View, Sutton in Ashfield, Nottinghamshire NG17 1HA

- 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 Maurice Martin against the decision of Ashfield District Council.
 - The application Ref V/2021/0494, dated 19 June 2021, was refused by notice dated 7 September 2021.
 - The development proposed is a 3ft fence either side of property consisting of concrete posts, 1ft kickboards and 2ft high fence panels. Brick pillar at end to give clear boundaries between both properties either side.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have based the description of development in the banner heading above on that given in the application form to ensure that it accurately captures the scope of the proposal. I have omitted the endpiece "3ft fence already erected between us (No.4) and No.2 in which No.2 are happy with as it gives us both set boundaries. To stop people walking over gardens as there has been anti-social behaviour with the local teenagers as they use this street to go to and from local park across the road" as this wording is not a description of development.
3. The fence identified as Fence A on the submitted plans has already been erected, therefore, with regard to this appeal, I am considering this part retrospectively. Fence B identified on the same plans is yet to be undertaken and is also the subject of this appeal.

Main Issue

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

Reasons

5. The appeal site is a detached dwelling located on a relatively modern housing estate. All houses are typically set back from the road with drives, lawns, shrubs and small trees to their frontages. With permitted development rights removed for fences and other means of enclosure forward of the dwellings, it is evident that the original design intent for this part of the estate was to retain the open character of the frontages, and this was very apparent on my visit. I noted that the front gardens and drives created attractive, visually connected

frontages, with trees and shrubs softening and filtering views of buildings and parked cars.

6. Although there is some sympathy with the appellant's wish to have clearly defined, solid boundaries, I saw no evidence for why there would be a particular desire line for people to walk across this front garden and drive. I did, however, see the effect that the installation of part of the fencing had made on the surrounding area. Although low it was very noticeable and intrusive in the streetscene. The erected fencing was solid and very substantial, stepping down the slope of the drive, visually severing the connected open and landscaped frontages, particularly when looking along the length of the street, harming the open character of the area. Erecting the remaining fencing as proposed would further compound this detrimental impact.
7. Allowing the appeal would set an undesirable precedent for other residents in the surrounding area to seek to undertake similar means of enclosure, the cumulative effect of which would further undermine the open character to the frontages.
8. I appreciate the appellant's frustration that there are a small number of walls, fences and gates fronting other properties on the estate. However, the appellant comments that none have planning permission and the existence of these does not justify further harm. I also acknowledge that the appeal fencing is relatively low, but despite this height, I have already found significant visual harm arising from the fencing which has been erected.
9. The development and the proposed further development, which are both the subject of this appeal, would cause harm to the character and appearance of the area and would conflict with Policy ST1 of the Ashfield Local Plan Review (2002) which seeks to respect and enhance the local character and quality of an area. It would also be contrary to the high-quality design expectations of section 12 of the 2021 National Planning Policy Framework.

Conclusion

10. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

G Bayliss

INSPECTOR