
Appeal Decision

Site visit made on 12 May 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th May 2022

Appeal Ref: APP/F2415/D/22/3294567

9 Lubenham Hill, Market Harborough LE16 9DG

- 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 Pascal Trystram against the decision of Harborough District Council.
 - The application Ref 21/01900/FUL, dated 27 October 2021, was refused by notice dated 20 December 2021.
 - The development is the erection of boundary fence.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The proposed fence is in place. It appears to have been erected broadly in accordance with the submitted plan.

Main issue

3. The main issue is the effect of the fence on the character and appearance of the local area.

Reasons

4. The appeal property is a detached dwelling that faces Lubenham Hill within a predominantly residential area. The fence in question encloses the forecourt of No 9 save for two gaps along the highway frontage of the site to allow pedestrian and vehicle access. The fence is about 1.8m high and modern in style with horizontal timber slats in a dark grey colour and timber posts.
5. The solid form, height and length of the fence means that it is a significant and conspicuous feature when seen from the road. In these views, the fence draws the eye as a rather tall, solid barrier. Its presence in the street scene markedly contrasts with the more low-key and informal appearance of the front boundary treatments prevailing along this part of Lubenham Hill. In the main, the highway frontages of existing properties on this road are marked by hedgerows of varying height, open driveways, fences, and brick and stone walls. While these features are varied in type and style, most are low level. In that context, the fence is obtrusive. I share the Council's concern that it is incongruous and discordant feature that harms the character and appearance of the local area.
6. It is true, as the appellant points out, that within the local area there are examples of properties with tall boundary fencing that is visible from the road.

These cases include the properties backing onto Welland Park Road on the immediate approach to its junction with Lubenham Hill, which includes brick walls and timber fences at a similar height. However, these features mark the rear boundary to existing properties and are seen in the streetscape as a firm physical edge to the built-up area. From what I saw, these examples are not a predominant characteristic of the front boundary treatment along that part of Lubenham Hill to which the site belongs. Furthermore, the examples of fences of properties backing onto Welland Park Road have a rather harsh presence in their street scene and so do not necessarily set a desirable precedent to follow.

7. My attention has been drawn to other examples of boundary treatments in the vicinity of the site including the adjacent property, which has a low-level gabion stone wall along its highway frontage. The Council says that this neighbouring boundary wall, which differs in type, height, and general appearance to the development before me, does not have planning permission. Given these differences, I am unable to draw any meaningful conclusions from the boundary treatment of the adjacent property in support of this appeal. If the adjacent gabion stone wall is regarded as out of keeping with the area's character and appearance, it seems to me that additional harm cannot be justified on the basis that some harm already exists.
8. The appellant criticises the Council on the grounds that its objection is based on a subjective judgment. Matters of character and appearance inevitably are. The Council's reasoning is clearly set out in the Officer's report, which sets out a detailed assessment of the development sought, and it refers to a relevant development plan policy.
9. On the main issue, I conclude that the development causes significant harm to the character and appearance of the local area. As such, it is contrary to Policy GD8 of the Harborough Local Plan 2011–2031. This policy aims to ensure that development respects the context and characteristics of the site, the street scene, and the local environment. It also conflicts with the policies of the National Planning Policy Framework, which aim to make sure that development is sympathetic to local character and adds to the overall quality of the area.
10. The appellant states that the fence offers some privacy and security from passing traffic. However, these matters do not outweigh the significant harm that I have identified in relation to the main issue.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR