
Appeal Decision

Site visit made on 18 May 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10/06/2022

Appeal Ref: APP/E2001/D/22/3293482

21 Westfield Avenue, Rawcliffe DN14 8QY

- 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 Miss Aimee Salisbury against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/03571/PLF, dated 3 September 2021, was refused by notice dated 1 December 2021.
 - The development proposed is described on the application form as 'retrospective permission for a boundary fence surrounding my garden'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. When on my site visit, I observed that the proposed fencing had already been installed and I also note that the application has been submitted retrospectively. I have therefore determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the street scene.

Reasons

4. The appeal site is situated at the corner of Westfield Avenue and Westfield Road and it has an irregular and almost triangular shape which tapers off to the rear meaning that the wider portion of the plot is to the front and side. The surrounding area is predominately residential with the prevailing boundary treatment on this part of Westfield Avenue and Westfield Road comprising low walls or fencing. The proposed fencing is located along the boundary of the site which faces the highway at the widest point of the irregular shaped plot. As a result, I consider the proposal to be in a visually prominent location. Given its height the proposal is much taller than most of the other front boundary treatments in this part of the street, particularly that of no. 27 which has a similarly irregular shaped plot. Consequently, the proposal looks out of place within the street scene and would be at odds with the prevailing style of boundary treatments nearby that also face the highway thereby having a significant adverse visual impact in this regard.

5. I acknowledge that there are other boundary treatments in the area that are of a similar height to the proposal. However, these are relatively rare exceptions to the prevailing style and the examples cited by the appellant appear to either: have a different curved fencing style than the proposal; be on a smaller plot than the appeal site; be in a less visually prominent location than the proposal; or not front onto the highway, meaning that they are not the same as the proposal which I have considered on its own merits. In any event, the existence of some other similar boundary treatments in the locality does not outweigh my findings in respect of the character and appearance of the area.
6. I also note that the proposal potentially represents an improvement in terms of its structural integrity in comparison to the less stable brick wall and weathered fence that it replaced. However, even so, this is not of sufficient weight to outweigh the substantial visual harm I have identified.
7. I therefore conclude that the proposed development materially harms the character and appearance of the street scene. Accordingly, it fails to meet the relevant requirements of policy ENV1 of the adopted East Riding of Yorkshire Local Plan Strategy Document and the characteristics C1 and I1 of the National Design Guide. It would also therefore conflict with paragraphs 130 and 134 of the National Planning Policy Framework.

Other Matters

8. I note that several letters of support from interested parties were submitted when the original application was determined by the Council. However, objections from other interested parties were also submitted. As a result, I consider the fact that some residents support the proposal is not of sufficient weight to warrant approval of the appeal scheme.
9. In support of the proposal the appellant has stated that it provides secure off-road parking for them which would mean that more on-street parking is available in the area. However, I have no substantive evidence before me, such as a parking survey or assessment, to show that on-street parking provision is an issue in the area. As a result, I afford this matter little weight.
10. The appellant has stated that the proposal replaced a fence and wall that was of a similar height and that it was in place for more than four years prior. However, the fact that the proposal replaced a boundary treatment that was just as high does not outweigh the harm that it causes in conflict with the development plan.
11. The appellant has also cited personal circumstances in support of the appeal scheme. However, whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the adopted development plan.

¹ Paragraph: 008 Reference ID: 21b-008-20140306

12. The appellant has also stated that the proposal gives them a greater degree of security. However, I have no substantive evidence before me, such as a police report, to show that crime and anti-social behaviour is an issue in the area. As a result, I afford this matter little weight.

Conclusion

13. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

C Coyne

INSPECTOR