

Appeal Decision

Site visit made on 28 June 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2022

Appeal Ref: APP/E3715/D/22/3293613

1 Cypress Road, Rugby CV21 1SA

- The appeal is made under section 78A of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Ashleigh Morris against the decision of Rugby Borough Council.
 - The application Ref R21/0969, dated 19 September 2021, was refused by notice dated 3 December 2021.
 - The development undertaken is the replacement of a boundary wall with a fence and gate, moved to the edge of the property boundary.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The fence and gate were in place at the time of my site visit. This has no bearing on my decision which is based on the planning merits of the case.
3. In the interests of brevity, I have shortened the lengthy description of the development contained within the Application Form to reflect the proposal before me.

Main Issue

4. The main issue in this case is the effect of the fence and gate on the character and appearance of the street scene.

Reasons

5. The appeal relates to semi-detached property which is located on the corner of Cypress Road and Lower Lodge Avenue, within a modern housing estate. I understand that the side boundary of the appeal property, which is located along Lower Lodge Avenue, was originally enclosed by a tall brick wall which connected flush with the side elevation of the dwelling and linked to the garage block to the rear, recessed from the back edge of the pavement behind a landscaped strip.
6. The fence which has been erected is much longer; enclosing almost the full depth of the dwelling and almost all of the garage block. It is also positioned directly against the back edge of the pavement which has resulted in the loss of the landscaping strip. From my visit, I saw that brick walling is the predominant boundary treatment for side gardens within this housing estate

and landscaping strips perform an important function in softening this form of boundary treatment.

7. The fencing and gate that have been erected are a stark contrast to the boundary walls within the estate. Furthermore, the fence is much longer than the previous wall, it sits forward of the side elevation of the host dwelling and its positioning directly alongside the back edge of the pavement means that it cannot be softened by landscaping. This arrangement exacerbates the hard and overly prominent appearance of the fencing. In my view, the visual effect is incongruous and the fencing harms the overall character and appearance of the street scene.
8. The appellant asserts that a 1 metre high fence could be erected in the same position as the tall fence which has been erected without the need for planning permission. However, I find it unlikely that such a low fence would be erected as it would offer very little privacy and security. I therefore attach very limited weight to this argument.
9. The appellant also suggests that the landscaped strip frequently attracted dog fouling and that the fence has improved security. Whilst these factors are not disputed, they do not outweigh the significant visual harm I have identified.
10. In light of the above factors, I conclude that the fence harms the character and appearance of the street scene. In such terms, it conflicts with policy SDC1 of the adopted Rugby Borough Local Plan along with the Council's adopted Sustainable Design and Construction Supplementary Planning Document. The arguments advanced by the Appellant do not outweigh this harm and the associated policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR