
Appeal Decision

Site visit made on 11 July 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2022

Appeal Ref: APP/Q3060/W/22/3296283
225 Bramcote Lane, Nottingham NG8 2QL

- 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 Shobna Bazzaz against the decision of Nottingham City Council.
 - The application Ref 21/02316/PFUL3, dated 19 October 2021, was refused by notice dated 18 January 2022.
 - The development undertaken is a fence at front of property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The fencing had been erected at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.

Main Issue

3. The main issue in this case is the effect of the fencing on the character and appearance of the street scene within which the appeal dwelling sits.

Reasons

4. The appeal relates to a detached dwelling which sits within a row of similar properties. The frontages of the properties within this row on the south-western side of Bramcote Lane are largely open, with some front boundaries defined by low vegetation. This arrangement is a noticeable element of the street scene which contributes positively to its overall character and appearance.
 5. The fencing which has been erected is tall and three of the four panels are solid, save for a decorative section at the top. Whilst I understand that the fencing has replaced a tall hedge, it is a stark contrast to the largely open frontages of the other properties within this section of Bramcote Lane. As a result, the fencing appears overly prominent and out of keeping and it harms the largely open character of this particular part of the Bramcote Lane street scene.
 6. The Appellant explains that the fencing has been erected for privacy and security purposes, but it does not span anywhere near the full width of the
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frontage of the appeal property. The Appellant also explains that the fencing protects against car headlights shining into the room at the front of the property, but the tall hedge that was there previously would have served the same purpose.

7. The Appellant also argues that the fencing is attractive and unlike the previous hedge, it is low maintenance and does not obstruct the pavement like some overgrown hedges within the immediate locality. However, legislation is in place to deal with any hedges that cause an unnecessary obstruction of the highway. In addition, the Appellant asserts that the fence does not cause a highway visibility issue and it has generated no objection from the Council's Highway Department or indeed any local residents. However, these are neutral factors in the overall planning balance.
8. I have been referred by the Appellant to a number of boundary treatments within Bramcote Lane and beyond. However, I do not know the precise planning circumstances behind the examples highlighted and in any event, I have considered the fencing against the particular street scene within which it sits.
9. The Appellant has explained she was misinformed that planning permission was required for the fencing. Whilst this may be so, it is no justification. I am also mindful of the Appellant's suggestion that a 1m tall fence would not require planning permission, but this would be much lower and would not have the same prominent visual impact. Finally, I note the Appellant has expressed disappointment in the manner in which the Council determined the application, but this is not a matter for me to consider.
10. For the above reasons, I conclude that the fencing unacceptably harms the character and appearance of this particular part of the Bramcote Lane street scene. In such terms, it conflicts with policy 10 of the Council's adopted Aligned Core Strategy and policies DE1 and DE2 of the Council's adopted Land and Planning Policies Development Plan Document which promote high quality design that respects local context.
11. The arguments advanced by the Appellant do not outweigh this harm and policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR