
Appeal Decision

Site visit made on 26 September 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4TH October 2022

Appeal Ref: APP/E2001/D/22/3297145

1 Scrubwood Lane, Molescroft HU17 7BA

- 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 Mrs Alyson Calvert against the decision of the East Riding of Yorkshire Council.
 - The application Ref 21/03847/PLF, dated 8 October 2021, was refused by notice dated 11 March 2022.
 - The development proposed is described as the retention of front fence (at reduced height of 1.2m).
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Decision

1. The appeal is dismissed.

Procedural matter

2. Retention is not an act of development under the above Planning Act. I have assessed the proposal as one that seeks planning permission for the fence.

Main issue

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

Reasons

4. The appeal property is a detached bungalow that occupies a prominent corner plot at the junction of Scrubwood Lane and Woodhall Way within a mainly residential area. Most properties in the area surrounding the site are set back from the road behind enclosed gardens and driveways. From what I saw, hedgerows, walls and fences generally mark the front boundaries of properties in the vicinity of the site. With a small number of exceptions, these boundary features are low-level, and they contribute to a sense of informality and an open feel within the street scene of which No 1 forms part, which is distinctive.
5. The proposal is to retain the existing timber fence along the front boundary of the site at a reduced height of 1.2-metres between a hedgerow on one side and a brick pier and a pair of metal gates on the other. It follows a similar proposal to retain the existing fence at a higher level than the proposal before me that was recently dismissed at appeal¹. While I have taken into account this previous decision, I have assessed the proposal on its own merits.

¹ Ref APP/E2001/D/21/3275013 dated 21 September 2021

6. Even at a reduced height and painted green to subdue its visual impact, the fence, as proposed, would be a conspicuous feature within the local street scene given the considerable length of the structure and its prominent position alongside the adjacent footway. On the approaches to the site along Scrubwood Lane and Woodhall Way, the fence, as proposed, would appear as a rather stark, formal barrier. Its general appearance would sharply contrast with the more informal, low-key frontages that predominate in the local area. The uncompromising solid presence of the fence, as proposed, would also be at odds with the spacious feel in the local street scene. In that context, the proposal would be an obtrusive and uncharacteristic feature even among the varied boundary treatments in the local area. As a result, the proposal does not overcome the objections raised in relation to the previous appeal.
7. From what I observed, boundary fences visible from the road are not an unfamiliar feature of properties in the local area. However, I saw few examples of fences with the same prominence in the local street scene as the site. Consequently, these cases are not directly comparable with the proposal before me. I also observed several boundary hedgerows in the local area, and some were substantial features. However, these hedgerows are far softer in their appearance than the development sought.
8. On the main issue, I conclude that the fence, as proposed, would cause significant harm to the character and appearance of the local area. As such, it is contrary to Policy ENV1 of the East Riding Local Plan Strategy Document. This policy aims to ensure that development is well designed and has regard to the character of the surrounding area. It is also at odds with the National Planning Policy Framework, which seeks to ensure that development is visually attractive and adds to the overall quality of the area.
9. Reference is made to an email sent by the Council in which it clearly indicated that a boundary fence up to 1.2-metres in height may well be acceptable. Had the scheme been refined to reflect the Council's advice at that time, it is possible that planning permission would have been granted. However, that advice was provided in relation to an earlier planning application in the light of the circumstances at that time and the opportunity was not taken up.
10. The Council acknowledges that a fence could be erected in the same position as the proposal through the exercise of permitted development (PD) rights. However, a PD compliant scheme would require the fence to be lower in height than the proposal. As a result, it would have a less harmful visual impact than the appeal scheme. I, therefore, share the Council's view that the existence of PD rights is insufficient reason to justify the development sought.
11. I acknowledge that the fence would provide additional security of the property and help to address problems such as litter. While I have some sympathy for these points, personal circumstances rarely outweigh more general planning considerations. These matters do not outweigh the harm that I have identified.

Conclusion

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

Gary Deane

INSPECTOR