

Appeal Decision

Site visit made on 17 October 2022

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2022

Appeal Ref: APP/H0520/W/22/3291679

16 Cock Close Road, Yaxley PE7 3HJ

- 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 Razvan Ionut Ilie against the decision of Huntingdonshire District Council.
 - The application Ref 21/00932/FUL, dated 21 April 2021, was refused by notice dated 11 December 2021.
 - The development proposed is the change of use of land to form new residential garden space, with a new 2.5m high composite fence.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I saw at my site visit that a temporary fence has been erected on site to bring publicly accessible open space land into the garden of 16 Cock Close Road, though the fence is not of the actual height, position or materials proposed. This appeal decision must be based on the submitted plans and details, which show a 2.5m high composite fence running most of the length of the plot, along a straight line about 5m from the side of the house with perpendicular returns at both ends. From measurements and observations on site, the line of the temporary fence differs from that of the proposed fence in that it is mostly a little farther into the open space, except where it tapers at the end of the garden instead of being squared off.
3. The appeal site extends beyond the line of the fence by a couple of metres to the side and several metres at the front. The proposal would also change the use of this land outside the fence line into private residential garden.
4. The appellant has also erected more permanent fencing along other boundaries, adjoining neighbours' gardens. This other fencing is not part of the appeal proposal so is not considered in this decision.

Main issues

5. The main issues are the effects of the proposal on: (i) the character, appearance and amenity value of the open space; and (ii) living conditions at the neighbouring property, 14 Telford Drive, in terms of outlook.

Reasons

Character, appearance and amenity value

6. The Council's concerns in regard to this issue relate to the loss of open space, the potential loss of landscape planting and the details of the proposed fence. 16 Cock Close sits at the end of a cul-de-sac, with its side boundary next to an area of open space which provides a valuable green corridor with grass, trees, shrubs and an adopted footway/cycleway. A line of trees on top of a small bund runs parallel to the side boundary of No 16, within the open space. The proposed new fence would largely sit at the back of this landscaped bund.
7. Policy LP32 of Huntingdonshire's Local Plan to 2036 (LP) says that a proposal that would lead to the whole or partial loss of an area of open space of public value will only be supported where there would be no significant adverse impact on the character of the surrounding area, the loss is minimised where possible and compensatory measures are put in place that provide a net benefit to the community. It stresses the importance of preventing the loss of open space where this would harm the character of a settlement, the visual quality of the locality or the quality of life of residents and visitors. This open space is not designated as being a 'Local Green Space' in the LP, but is nevertheless clearly valuable to the appearance of the area and the local quality of life.
8. The strip of open space that would be within the new fence line is not readily accessible to the public and most of the trees would sit outside the fence. The squared off end of the fence as proposed, however, would appear to take at least one tree into the enclosed garden, to the detriment of the overall function of the open space and the appearance of the area.
9. The change of use of land outside the fence would bring the line of trees into the domestic garden of No 16. These trees, though individually of little merit, do form a group which adds greenery and value to the open space. I recognise that the trees could potentially be felled by the owners of the open space, but this has not happened and I have no reason to think that it is likely to happen under current circumstances. Although a condition could be imposed on any permission granted to require retention of trees in the garden, it seems to me that changing this strip of land from being publicly accessible space to private use would harm the overall function and value of the green corridor.
10. The fence itself would be of a light cream coloured, artificial material, making it stand out from the other more discreetly coloured timber fencing around the open space nearby. At 2.5m it would also be unusually tall and this would accentuate its impact. The fence would become an overly prominent, urban and visually intrusive feature. I note that there are some other similar garden fences in the area, but these are not generally in such publicly visible positions.
11. I find that the loss of open space as proposed is significant and has not been reasonably minimised due to the lack of a taper at the end (as in the temporary fence) and the change of use of a strip of land outside of the fence line. The height, materials and siting of the proposed fence and the enclosure of existing landscaping would be also detrimental. I conclude that the proposal as submitted would unacceptably harm the character, appearance and amenity value of the open space. It therefore conflicts with the shared aims of LP policies LP11, LP12, LP31 and LP32 and the Framework, to ensure that new

development is well designed and responds positively to its context, including through the protection of open space and trees.

Living conditions

12. The fence as proposed in this appeal, although tall at 2.5m would only adjoin a very small section of one neighbouring property, 14 Telford Drive, near to the end of that house's garden. This minor addition to the garden boundary of No 14 would not be significantly intrusive or overbearing. No other properties would be materially affected by the appeal proposal.
13. I conclude that there would be no significant effect on the outlook from neighbouring properties. The proposal therefore accords in this respect with the aims of LP policy LP14 and the Framework, to ensure a high standard of amenity for users and occupiers of neighbouring land and buildings.

Other matters

14. The Council also raises a concern about the proposed fence increasing the fear of crime due to its height. I have seen no evidence to suggest that the difference between a normal 1.8m to 2m high fence and the proposed 2.5m fence would trigger such an effect. I therefore find no conflict with LP policy LP14(f)'s aim to minimise the risk and perceived risk of crime. The appellant refers to improved provision of off-street parking. I do not see this potential benefit to be substantial enough to outweigh my concerns in relation to the main issue.

Conclusion

15. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR