



Appeal Decision

Site visit made on 4 October 2022 by Andreea Spataru BA (Hons) MA

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/Y2003/D/22/3299565

309 Messingham Road, Bottesford DN17 2QZ

- 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 Lisa Sands against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/2205, dated 1 December 2022, was refused by notice dated 25 March 2022.
 - The development proposed is to erect a wooden boundary fence to front and side at 309 Messingham Road, Bottesford, DN17 2QZ.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description of development has been taken from the Council's Decision Notice letter, as it is more concise than that provided on the application form. The appeal development is retrospective, as the boundary treatment has already been installed. I have dealt with the appeal on this basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site relates to a semi-detached dwelling, located on the western side of Messingham Road, within a predominantly residential area. The dwelling is set back from the road, has a small garden to the rear and more outside amenity space to the front. There is a restaurant within close proximity to the appeal site, on the same side of the road, and a school directly opposite.
 6. The street scene has a generally open and verdant character; most of the neighbouring properties have either low boundary treatments or hedgerows/vegetation of various heights. The openness of the street scene given by the lack of hard, high boundary treatments, particularly on the
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- western side of Messingham Road, makes a positive contribution to the character and appearance of the area.
7. The development includes the erection of a wooden fence with concrete posts and a gate to the front and side of the property. The fence varies slightly in height, its maximum height being approximately 2 metres. The front gate section is further set back from the road than the rest of the front fence.
 8. Due to its location, the development has a prominent position within the street scene. The fence has a hard appearance due to its materials and height, which are in contrast with the open and verdant character of the street scene. The front section of the development appears as an incongruous feature, particularly when seen in the context of the pair of semi-detached dwellings, as the neighbouring property No 307 has a low front boundary wall and vegetation to the front.
 9. The appellant indicates that due to the works done to the front of the property, the fence is sat 40/45 centimetres below the original ground level on the adjoining side with No 307. Nevertheless, this does not negate the contrast between the front of properties Nos 307 & 309 as a result of the installation of the appeal boundary treatment. Accordingly, the development is detrimental to the character and appearance of the area.
 10. I have observed the difference in the land levels on Messingham Road during my site visit, and whilst the development still allows views into the property, this does not make it less intrusive. Moreover, whilst I note the appellant's willingness to paint the fence in a different colour, this would not be sufficient to make the development blend into the street scene or mitigate against the incongruous height and scale of the fence.
 11. The appellant has drawn my attention to two planning permissions¹ for boundary treatments within the area. Whilst I do not have full details of these, I note that they are not within the immediate street scene of the appeal site.
 12. Nevertheless, I have observed that there is some variety in terms of boundary treatments in the area, even in the immediate context of the appeal site, as the high metal railings of the school directly opposite the appeal property are in contrast with the boundary treatments located on the western side of Messingham Road.
 13. In addition, other high close boarded fences are visible within the street scene, however they appear to be serving as side/rear boundary treatments. Notwithstanding these, I find that the low or soft form of the boundary treatments of the residential properties located on the western side of Messingham Road provide a far stronger context for the appeal site. The high fencing at the appeal site appears as an alien and unsympathetic feature in that local context.
 14. Accordingly, I conclude that due to a combination of its siting, height and materials, the development is detrimental to the character and appearance of the area. Therefore, the development is contrary to Policy DS1 of the North Lincolnshire Local Plan 2003, which requires, amongst other things, that the

¹ Local Planning Authority refs: PA/2021/731 & PA/2020/1430

design and external appearance of developments reflect or enhance the character, appearance and setting of the immediate area.

15. Whilst Policy CS5 of the Core Strategy 2011 (CS) does not specifically mention "boundary disputes" or "fence heights", it requires new developments to be well designed and appropriate for their context. Given my findings above, the development fails to achieve this requirement, thus it is also contrary to the CS Policy CS5.

Other matters

16. I understand the limitation of the appeal site regarding the amount of private amenity space, and I note the amount of money already spent on the development. However, although small, the rear garden does provide at least some private space and it is uncommon to expect a front garden to provide an entirely private amenity area. Some mutual overlooking can reasonably be expected to the front of a property. Whilst the occupants may desire a greater level of privacy at the front the fact that it is overlooked does not render the space unusable and personal expectations regarding the level of privacy only carry limited weight in favour of the proposal.
17. Little evidence of any tangible noise benefit has been provided and in terms of security any benefit of a higher enclosure could be offset by the reduction in natural surveillance provided by passing traffic such any potential intruders behind the fence would be concealed from view. Consequently, those arguments carry limited weight. Whilst I understand the timeframe limitation for growing a high natural boundary treatment, I am unconvinced that the appellant's needs cannot be achieved whilst having a boundary treatment in keeping with its local context.
18. The development does not affect the living conditions of the occupiers of neighbouring properties, is not detrimental to highway visibility/safety, does not interfere with the open corner plot that is outside the appeal site, and there were no objections from third parties. However, these are neutral matters rather than ones that carry positive weight for the development.
19. A 1metre high boundary treatment could be erected under permitted development rights. However, even if the materials were the same, the impact would not be comparable due to the difference in height to the current fencing.
20. I recognise that the appellant may not have realised that planning permission was required for the fencing when the work was undertaken and that the financial outlay would be wasted if the fence had to be removed. However, it is incumbent upon those carrying out development to check whether permission is required, and those matters do not provide justification to permit harmful development. I also acknowledge the appellant's concerns regarding the service provided by the Council. However, this is a matter between the appellant and the Council. I have limited my consideration to the planning matters before me.

Planning Balance and Recommendation

21. For the reasons given above the development has caused harm to the character and appearance of the area, contrary to the relevant policies of the development plan. That is a matter that attracts significant weight. As set out

above I only attach limited weight to the other matters advanced in favour of the proposal and those matters do not indicate that a decision should be taken other than in accordance with the development plan.

22. Given that the personal circumstances advanced do not outweigh the harm that has been caused I find that permission should not be granted either on a permanent or temporary basis. Having regard to that and all other matters raised, I recommend that the appeal should be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR