



Appeal Decision

Site visit made on 25 April 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/A1015/W/23/3314595

34 Miriam Avenue, Somersall, Derbyshire S40 3NF

- 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 Jonathan Simms against the decision of Chesterfield Borough Council.
 - The application Ref CHE/22/00712/FUL, dated 7 October 2022, was refused by notice dated 8 December 2022.
 - The development proposed is described as 'we are planning to erect a 2.0m high wooden curved panel fence with concrete posts, to the eastern boundary of our property on Miriam Avenue. The purpose of the work is to make the current area of grass a private and safe area for our family to enjoy. We are currently restricted to a small garden to the rear of the property and are unable to make use of all of our land to the side of the house'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended drawings have been submitted with this appeal, however the appeals process should not be used to evolve a scheme and it is important that what is considered in this appeal is essentially what was considered by the Council, and on which interested people's views were sought. Consequently, I have not considered drawings 0001 – Topographical Survey with Proposed Fence Position Revision 1 or 0001 - Proposed Street View Revision 1 in the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The area is residential, comprising one and two storey detached and semi-detached properties set back from the highway. The street frontages are characterised by low level boundary treatments, predominantly stone walls, with soft landscaping of varying heights, maintaining a pleasant, open character. The appeal site is on a prominent corner plot with the majority of its outdoor space to the side and front of the dwelling. The low-level stone boundary wall and planting contribute to the open, verdant character.
5. Given its height and position forward of the front building line, directly behind the existing low-level boundary wall, the proposed fence would form a large,

obtrusive, and incongruous feature within the street scene, significantly reducing its openness. When combined with the removal of the boundary planting, the proposal would appear harsh and out of keeping with the prevailing softness of the area.

6. Therefore, I conclude that the proposal would harm the character and appearance of the area and would conflict with Policy CLP20, part b and e of the Chesterfield Borough Local Plan (July 2020) which requires that boundary treatments are attractive while respecting the character of the area. There is also conflict with Successful Places: Supplementary Planning Document 2013) where it seeks to ensure that boundaries are appropriate to their location, strengthen distinctiveness and reflect the characteristics of the local context.
7. Similarly, there is conflict with the National Planning Policy Framework (the Framework) which seeks to ensure development is visually attractive as a result of good layout and appropriate landscaping.

Other Matters

8. My attention has been drawn to other fences in the area. However, I note that elements of their design including their position in relation to the front building line are different from the appeal proposal. Further, the majority of the examples provided are some distance from the appeal site where the character of the area is not the same. Moreover, the existence of other fences in the area does not justify the harm identified to the character and appearance of the area above.
9. The appellant's desire to ensure their garden is private and secure and the lack of objections from neighbours are acknowledged, but not considerations which outweigh the harm identified above.

Conclusion

10. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR