



Appeal Decision

Site visit made on 7 March 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2023

Appeal Ref: APP/R2520/W/22/3310206

1 Hereford Close, Sleaford NG34 8TP

- 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 Ian Pears against the decision of North Kesteven District Council.
 - The application Ref 22/0886/FUL, dated 13 June 2022, was refused by notice dated 22 August 2022.
 - The development proposed is demolition of an existing boundary wall and erection of a fence.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development on the planning application form includes words which address the purpose and/or merits of the proposal; and words which are not acts of development. It is clear from the plans and accompanying details that the proposed development comprises the demolition of an existing boundary wall and erection of a fence. I have therefore amended the description of development accordingly, in the interests of clarity.
3. The Council determined the application in light of the Central Lincolnshire Local Plan, adopted 2017. However, a new version of the local plan was adopted in April 2023. The main parties have provided comments on this change in circumstances. I have therefore determined the appeal on the basis of the Central Lincolnshire Local Plan, April 2023.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

5. The area is characterised by two-storey detached properties with open front gardens. Frontages are softened by planting, often including low level hedges, shrubbery, and in some cases, laid to lawn. While separation distances and front gardens are modest, the overall feel is open.
6. The appeal site accommodates a two-storey detached dwelling occupying a corner plot on Hereford Close, at the junction with Peterborough Way. Due to the site being on a slight bend in Peterborough Way, the appeal property appears as a prominent plot within the street scene from the north-east, and it

is softened by an open front garden, laid to lawn, which wraps around the corner.

7. The rear garden of the appeal property meets the side boundary of No.14 Peterborough Way (No.14). Along this section of Peterborough Way, the highway curves towards a north-westerly direction. The side boundary to the rear garden of the appeal property comprises a low-level brick wall with extending brick pillars and fence panels in between. The boundary wall runs from the rear/side elevation towards the back of pavement, before turning a corner to run parallel to the back of pavement. Subsequently, it tapers towards the principal elevation and garage of No.14. Thus, the angled nature of the boundary wall respects and enhances the curved line of the highway along this section of Peterborough Way. Although the grassed area between the side boundary of the rear garden and the back of pavement is within the ownership of the appellant, the land functions as amenity greenspace, and forms part of the landscape character of the area. Furthermore, the nature of this land, which includes a semi-mature tree, gives a soft 'green' quality to the immediate area.
8. Thus, the existing boundary treatment and the open grassed area towards the back of pavement, together with the open front garden of the appeal site, combine to make a significant and positive contribution to the open character of the area.
9. Due to its height, position and siting, together with its alignment to the principal elevation of the appeal property and to the back of pavement, the proposed fence would undermine the prevailing character of open wrapped frontages to corner plots. It would result in a strong sense of enclosure for road users and pedestrians when approaching from either direction. The angled siting of the proposed fence towards No.14 would not overcome the significant degree of enclosure that I have identified. Furthermore, it would result in the enclosure of a significant proportion of land that presently functions as amenity greenspace, undermining the open character of the area.
10. The appellant draws my attention to corner plots at No.1 Gloucester Close and No.3 Canterbury Drive. The full circumstances of these sites are not before me, and I cannot therefore be certain that they are directly comparable to the appeal scheme. While I accept that the side boundary of the rear gardens of these two corner plots are aligned to the principal elevation and to the back of pavement, they are not directly comparable in terms of the line of the highway at the appeal site and therefore are not as prominently located as the appeal site.
11. The appellant also draws my attention to other examples of boundary treatments within the wider area. However, I did not find these to be directly comparable in terms of the relationship between boundaries and the line of the highway, nor were they in areas of a comparable character to that before me. For example, the boundaries at Exeter Drive and Durham Avenue are in areas which have very different property forms, deeper frontages, wider separation distances, and deeper pavements with grass verges. In any event, I have dealt with the appeal on the basis of the evidence before me, and my own observations.
12. At my visit, I saw that high close boarded fencing is not uncommon to the area. However, the predominant boundary treatments to the side boundaries of

rear gardens to corner plots comprise low-level brick walling with extending brick pillars and fence panels in between, including at No.1 Gloucester Close, and also at No.12 Peterborough Way, opposite the appeal site.

13. I therefore conclude that the proposed development would harm the character and appearance of the area. The proposed development would conflict with Policy S53 of the Central Lincolnshire Local Plan 2023, which seeks (among other things) to ensure that development relates well to the site, its local context and existing characteristics including appropriate landscape and boundary treatments to ensure that it can be satisfactorily assimilated into the surrounding area.
14. It would also conflict with the guidance within paragraphs 42 and 43 of the National Design Guide 2021, which seeks to ensure that development is well designed; is shaped by an understanding of context; and integrates into its wider surroundings, physically, visually and socially.

Other Matters

15. While the appellant's objectives to use land more efficiently and effectively; to recycle and re-use materials; to grow plants and produce; to produce compost; to improve biodiversity; to prevent dog fouling; and to maintain and improve physical and mental health are commendable, there is little evidence before me that the proposal is the only way to achieve those objectives. Such benefits would not outweigh the harm that I have identified.
16. Furthermore, the appellant also advocates that the potential benefits of the proposal would be relevant in regard to other policies of the Central Lincolnshire Local Plan. Even if I were to accept that such benefits should be so considered, they would not outweigh the harm I have identified.
17. The appellant suggests that other properties within the area have boundary treatments by virtue of permitted development rights, and such rights could be exercised by the applicant. However, I have not been provided with clear and compelling evidence that the proposal would meet the limitations as set out in the GDPO¹. I cannot therefore be certain that even if there was a realistic prospect of such a fallback, that it would result in the same or greater harm than I have identified with the scheme before me.
18. The handling of the planning application by the local planning authority and/or the highway authority cannot affect my consideration of the planning merits of the proposal.
19. Other matters were referred to by interested parties. As I am dismissing on the main issue, and consideration of such other matters would not alter my decision, I do not need to address these matters directly. The support of a neighbour is a neutral consideration.

Conclusion

20. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015

J Moore

INSPECTOR