



Appeal Decision

Site visit made on 22 May 2023

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/L2440/W/23/3314112

1 Cottage Road, Wigston, Leicester LE18 3SA

- 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 James Barry against the decision of Oadby and Wigston Borough Council.
 - The application Ref: 22/00134/FUL, dated 29 March 2022, was refused by notice dated 18 November 2022.
 - The development proposed is construction of fence outside property on Welford Road. From front boundary 3 metres to pavement which is then 1.5 metres in width, followed by another 2 metres grass verge before meeting the main road, hence boundary fence to road a total of 6.5 m. Height of fence 6 ft. Construction of boundary fence on Cottage Road 3 metres in length 6 ft in height joining hedges which are in excess of 6 ft for another 4 metres.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development was completed prior to the application to the Council.

Main Issue

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

Reasons

4. The appeal site is situated in a corner position at the junction of Cottage Road and the A5199 Welford Road. Dwellings at each side of Welford Road are set back from the highway and generally have front boundaries in the form of low stone or brick walls, low timber fences and bushes or hedges. Overall, with the grass highway verges, this provides Welford Road with an open verdant setting, as recognised in the Council's Landscape Character Assessment.
5. The Council has relevant guidance for boundary fences in its Residential Development Supplementary Planning Document. It advises that it would be inappropriate for new fencing to be erected adjoining the highway boundary in an area where all the nearby premises had walls/fences set back from the boundary.

6. The fence which has been erected is in a prominent corner position and appears visually intrusive in the street scene because of its length, height and contrast with other front boundaries to properties in this part of Welford Road. I am advised that the part of the fence along Cottage Road replaced a previous partial fence and trees and bushes which were higher than the new fence. However, it is clear from the Council's evidence that the new fence is not a repair and requires permission. I find therefore that the fence conflicts with Oadby and Wigston Local Plan policies 6 and 44, which, amongst other things, require development to respect local character and to be in-keeping with the area in which it is situated.

Other Matters

7. The appellant has advised that the fence was erected in order to improve security and to prevent a clear view of the house and garden and views into his living room. In addition, it was intended to be a means of reducing traffic noise and preventing litter. However, there would be other ways of achieving privacy, including providing tree and shrub planting within the garden.
8. The appellant has offered to plant mature conifers in front of the fence as he advises that he owns the first 3.5 metre grass verge before the public footpath. However, the Highway Authority has indicated that the fence appears to have been located at the back of the existing highway verge, in which case the Highway Authority would retain rights over the land and their consent would be required for any planting. The Authority was concerned that there may be a small encroachment of the fence onto the highway verge, but not significant enough to take enforcement action and not resulting in a severe impact on highway safety.
9. The appellant has provided photographs of other frontages from along Welford Road. However, the examples of boundary treatment are not in a similar corner position and not identical to the fence subject to this appeal. As mentioned above, I find that the fence is visually intrusive and out of character with the boundary frontages along this part of Welford Road.

Conclusion

10. The fence which has been erected has a harmful effect on the character and appearance of the area. It conflicts with relevant development plan policies and advice in the Council's supplementary residential guidance. I note that the appellant considered that the fence would be permitted development and that view was endorsed by his contractor. I also acknowledge the lack of objections from neighbours and the personal circumstances mentioned in his appeal submission. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR