



Appeal Decision

Site visit made on 25 April 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2023

Appeal Ref: APP/Z4718/D/23/3314584

101 Bourn View Road, Netherton, Huddersfield HD4 7LA

- 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 Peter Dumigan against the decision of Kirklees Council.
 - The application Ref 2022/62/92457/W, dated 20 July 2022, was refused by notice dated 4 November 2022.
 - The development proposed is erection of fencing to boundary with Bourn View Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above has been taken from the Council's decision notice because it is more succinct than the description provided in the planning application form, and accurately describes the proposal before me. The planning application was made retrospectively, and I saw on site that the boundary fence has been constructed. Accordingly, the appeal has been determined on this basis.

Main Issue

3. The main issue is the effect of the boundary fence on the character and appearance of the local area.

Reasons

4. No.101 Bourn View Road (No.101) is a detached dwelling located on the north side of Bourn View Road, set back from the road by around 55m behind a large front garden. It has a wide frontage to Bourn View Road and along over 40m of this frontage a 1.8m high close boarded timber fence has been constructed.
5. I observed on my site visit that there is a change in levels to the north of this part of Bourn View Road such that dwellings are sited below the road, typically set back, with open boundaries or low walls, or hedges. To the south, dwellings are set closer to the road with boundary treatments comprising predominantly low walls, or hedges. Whilst I note that the fencing that has been constructed is good quality, its height and solid appearance over such a length, means that it appears stark and visually prominent, out of character with the existing boundary treatment I observed.

6. Further, the width of Bourn View Road in this location is relatively narrow and because of this, in combination with the siting of the fence very close to the back edge of the road, it has a visually oppressive appearance within the streetscene.
7. I have given consideration to the appellant's argument that the appearance of the fencing will soften with time and that it has security and safety benefits, recognising the change in level from the road to No.101. I do not, however, find these factors outweigh the harm that I have identified to the character and appearance of the local area, nor am I persuaded that similar benefits could not be achieved by a boundary treatment that would have less visual impact.
8. On the main issue, I therefore conclude that the fencing causes harm to the character and appearance of the local area. Consequently, it would conflict with Section 12 of the National Planning Policy Framework (2021), Policy LP24 (a) of the Kirklees Local Plan (2019) and Key Design Principle 1 of the Council's *House Extensions and Alterations Supplementary Planning Document* (2021) which together require good design of a form, scale and details that respects and enhances the character of the area or streetscene.

Conclusions

9. For the reasons given above, I conclude that the appeal should be dismissed.

R Jones

INSPECTOR