



Appeal Decision

Site visit made on 12 September 2023

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 04 October 2023

Appeal Ref: APP/W2465/C/22/3308056

425 Gleneagles Avenue, Leicester LE4 7YJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Prakash Valand against an enforcement notice issued by Leicester City Council.
 - The notice was issued on 1 September 2022.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of a close board fencing atop the boundary wall at the property.
 - The requirements of the notice are to: 1. Remove the close board fencing erected atop the brick boundary wall and erect the railing boundary as approved under planning permission 20202138 as shown as "BW1" on the plan attached as Plan B. 2. Remove all materials resulting in compliance with the above step from the site.
 - The period for compliance with the requirements is: 3 (three) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act, as amended, for the development already carried out, namely the erection of close board fencing atop the boundary wall at 425 Gleneagles Avenue, Leicester LE4 7YJ as shown on the plan attached to the notice.

Ground (a) and the deemed planning application

Main Issue

2. The appeal made on ground (a) is that planning permission ought to be granted in respect of the breach of planning control alleged in the enforcement notice. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal relates to close boarded timber fencing which has been placed atop the brick boundary wall at 425 Gleneagles Road (the appeal property). The brick wall is around 1m in height and is interspersed with taller brick pillars. The overall height of the wall and fence is said to be approximately 1.76m. The wall extends from the property frontage to the rear where there is a gap to allow vehicular access. The close boarded timber fencing, which is the subject of the notice, surrounds the rear and side of the house only. Permission was granted by notice dated 8 February 2021 (ref. 20202138) for a boundary

treatment to the side and rear of the house consisting of a brick wall with pillars and railings. The railings have been substituted with timber panels.

4. The appeal property is situated on the corner of Gleneagles Avenue and Kincaple Road. A positive design feature of the row of houses adjoining the appeal property, and facing onto Gleneagles Avenue, is the open frontages which have mostly been retained. The rear of these houses face Buckhaven Close, a roadway of stark contrast littered with flat roofed garages, sections of fencing of varying design and parking bays. Houses on Kincaple Road are situated perpendicular to Gleneagles Avenue and similarly have open frontages. These, however, have low level boundary walls with the space to the front mostly given over to parking with little or no green space.
5. Being positioned on a corner plot, the semi-detached appeal property is exposed on three sides. The installation of the timber fencing on top of the brick wall has allowed a degree of privacy for the occupants of the house where none previously existed. By not extending to enclose the entire side of the house, this has maintained a degree of openness, which allows for views past the side of the house and along Kincaple Road and Gleneagles Avenue.
6. Although it is acknowledged that a characteristic of this part of the estate is the open front gardens and low boundary treatments where houses meet the roadways, I find the impact of the development on the character and appearance of the area is limited. This is mostly due to the urban form of the surrounding built environment and the extent of hard landscaping within the immediate setting. There are also examples of corner plots enclosed by similar materials, as well as by natural vegetation, and thus the appeal development is not an anomaly within its environment.
7. The development is acceptable within its local setting and context, and it does not significantly detract from the visual quality of the area. In this respect the development complies with policy CS03 of the Leicester Core Strategy (2014), saved policy PS10 of the City of Leicester Local Plan (2006) and policies contained within the National Planning Policy Framework.

Conditions

8. The Council has not suggested any conditions and as the development is complete, I consider that none are necessary.

Conclusion

9. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice.

S A Hanson

INSPECTOR