



Appeal Decision

Site visit made on 3 October 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2023

Appeal Ref: APP/C1055/D/23/3329283

1 Arundel Drive, Spondon, Derby DE21 7QX

- 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 Mrs Charlotte Lyth against the decision of Derby City Council.
 - The application Ref 23/00287/FUL, dated 24 February 2023, was refused by notice dated 17 July 2023.
 - The development proposed is erection of boundary fence and gates.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Decision Notice of the Council. I do not have record of any agreement to change the description but it is far more concise than the original, but I have removed the reference to a retrospective application, as this does not constitute development.

Main Issue

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

Reasons

4. The appeal site is a two storey semi detached property located on the corner of Arundel Drive and Sandringham Drive, fronting Arundel Drive and at right angles to Sandringham Drive, sited within a predominately residential area. There is a reasonably sized side amenity area now formally enclosed by the fencing. The works have already been completed. The appeal property is set back from the road, with pavement passing the property. A dropped kerb is located to the front of the new gates.
5. The proposals subject to the appeal are wooden boundary fencing and gates, with concrete posts, approximately 1.8m in height, running from the boundary with 25 Sandringham Drive along to the front of the host dwelling, where they become lower level fencing and a pedestrian gate.
6. The introduction of the substantial new boundary fence has altered the character of the neighbourhood, which is generally low boundary walls or fencing, with some vegetation boundaries. The addition of the gates and fencing forms an inconsistent and unsympathetic boundary with their height and form being out of keeping with the character of the area.

7. I understand that some hedging previously ran along the side boundary of the host property. The significant length of fence along the side boundary of the host property, together with its height and design, results in a stark, dominant feature in a prominent location. This is at odds with the prevailing character of the area.
8. It has been brought to my attention that there are other fences within the area and I observed a number during my site visit. I have limited information before me relating to the history of these other fences, whether they are authorised, and what boundary treatments, if any, they replaced. Notwithstanding this, the fences are not directly comparable, due to their location, design and prominence and I must assess the proposal on its own merits.
9. I find that the appeal proposals are in conflict with policies CP3 and CP4 of the Derby City Local Plan Part 1 – Core Strategy (2017) and Saved Policy GD5 of the City of Derby Local Plan Review (2006), which amongst other matters, expect development to respond to their context in terms of boundary treatments and the local area and not create unacceptable harm to the amenity of nearby areas.

Conclusion

10. The proposal does not accord with the development plan as a whole and there are no other considerations that indicate that I should take a different decision other than in accordance with this.
11. For the reasons outlined above, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR