



Appeal Decision

Site visit made on 18 October 2023

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 02.11.2023

Appeal Ref: APP/F2415/D/23/3327821

9 Lubenham Hill, Market Harborough LE16 9DG

- 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 Pascal Trystram against the decision of Harborough District Council.
 - The application Ref 23/00405/FUL, dated 15 March 2023, was refused by notice dated 30 May 2023.
 - The development proposed is erection of a boundary fence (revised scheme of 22/01630/FUL to alter the height to 1.45m).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the determination of the application the description of development was amended by the council, I have used the description from the decision notice as it is more accurate.
3. The fence was already in situ at the site visit, so planning permission is sought retrospectively and I have determined the appeal on that basis.
4. I have been provided with a copy of the previous appeal decision concerning the fence (Ref APP/F2415/D/22/3294567) by the council. I have considered the contents of the appeal decision, but I have determined this appeal on its own merits.

Reasons

5. The main issue is the effect of the proposals on the character and appearance of the host dwelling and street scene.
6. Lubenham Hill is a wide, pleasant, tree-lined residential street of pre- and post-war, suburban dwellings. These are a mix of two storey house and bungalows, with off street parking. Front gardens are set behind a mixture of established hedgerow, low brick walls and low timber fences with some having no formal front boundary, being completely open to the street.
7. The character of the street is spacious and open, partly as a result of the boundaries between properties. Each property is set back from the carriageway by the presence of a grass verge and footway.

8. No 9 is a detached, two storey, pre-war house with a gravel driveway to the front. The fence surrounds the front boundary and is of a modern style being 1.8m in height, comprised of slim timber/composite slats set close together and arranged horizontally between timber posts. The fence is coloured dark blue/grey. The proposal would result in a reduction of the 1.8m fence to 1.45m to the frontage with approx. 2m of the side boundaries to be lowered to 1.45m.
9. I note that the appellant has provided examples of fencing of a similar height at other properties nearby, but I agree with the previous Inspector who determined the last appeal that these are not a predominant characteristic of Lubenham Hill, nor a desirable precedent either.
10. The appellant also points out that the fence would 'tie-in' with the adjacent gabion wall boundary of No 17, but I note from the council's submissions that the gabion wall does not have planning permission and is in any case very different in appearance to the fence.
11. Policy GD8 (Good design in development) of the Harbough Local Plan (2019) seeks to support well designed development and protect the character and appearance of the areas surrounding new development.
12. I note that the proposal would result in some reduction of the existing fence height. However, the fence at 1.45m as shown on the plans would, in my view, still represent a significant addition to the front of the property. I consider it would be an incongruous and harmful feature in light of the existing character and appearance of the front gardens of the other dwellings along Lubenham Hill as well as harmful to the character of the host dwelling.
13. The council have made their position clear that the fence should not be more than 1m high along the frontage, and I agree.
14. I therefore consider the reduced height of the fence at 1.45m, as proposed, would result in harm to the character and appearance of area, contrary to policy GD8 and the relevant parts of the Framework.

Conclusions

15. For the reasons given and having considered all matters raised, I conclude that the appeal is dismissed.

Sian Griffiths

INSPECTOR