



Appeal Decision

Site visit made on 22 November 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/P4415/D/23/3328862

14 Wombwell Avenue, Wath upon Dearne, Rotherham S63 6LD

- 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 Lynsey Taylor against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2023/0561, dated 19 April 2023, was refused by notice dated 15 June 2023.
 - The development proposed is a wooden fence around the side and back garden of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A fence has already been erected on the site. Detailed plans have not been presented, and I have therefore determined the appeal on this as built basis. For the avoidance of doubt, the permission sought is only for the fence and gates running alongside the highway, with its perpendicular extents suggested to have been built under permitted development rights.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the streetscene.

Reasons

4. The site comprises a semi-detached house in a corner position, within garden to 3 sides and a side driveway. The former boundary was a low brick wall, incorporating low wooden pedestrian gates, and a driveway gap. The proposal is for a wooden close boarded fence. Sited at the back of the retained wall, it is approximately 2.1m high from the pavement level, enclosing the rear and part of the side garden. The fence also incorporates gates of the same appearance across the driveway.
5. Along Wombwell Avenue and surrounding streets, the generally low front boundaries contribute to the consistent character of the streetscene. This allows for open and long views along the streets and of the elevations of the dwellings. Some boundaries comprise higher hedging, which contribute to softening this built form despite their height blocking the views.
6. In this context, the overall fence height in combination with its solidity, is incongruous and utilitarian. This creates an oppressive and dominant impact. Because the fence is so tall and thus different in character to the other front

boundaries, it attracts prominent attention within the streetscene. Although the impact is alongside only one dwelling, retention of vistas along the street are important to its character.

7. While part of the site retains a low boundary and allows the dwelling's principal elevation to be the dominant front feature, this does not mitigate the impact along the significant portion of the property's side boundary. The dwelling's slightly elevated position is not so unique that it outweighs this impact on the streetscene character. Although the fence's existing tone would soften over time, or its colour could be altered, this would not sufficiently mitigate the harm arising from its height and positioning.
8. That there are some nearby examples of high boundary treatments and gates, does not indicate that further departures should be encouraged. The support from interested parties does not equate to a lack of harm.
9. In conclusion therefore, the fence and gates result in harm to the character and appearance of the streetscene. This conflicts with Policy CS28 of the Rotherham Local Plan Core Strategy 2013-2028 (2014), and Policy SP55 of the Rotherham Local Plan Sites and Policies (2018). Together and amongst other matters, these aim for developments to be responsive to their context, visually attractive and of high quality, and positively contribute to the local character. It is also contrary to Policy Design Guidance 2.10 in the Rotherham Householder Design Guide Supplementary Planning Document (2020), which identifies that front fences should not be of utilitarian appearance or be a prominent feature in the streetscene. It would also conflict with guidance in the National Planning Policy Framework (2023) paragraph 130, which requires developments to add to the overall quality of the area, and be visually attractive.

Other Matters

10. The height of the fence provides improved pet safety, security, and privacy. However, these are only small private benefits for the occupiers. The fence would also increase public safety in relation to the appellant's dogs, which is a small public benefit.
11. While the majority of nearby dwellings have larger private rear garden space, there are some examples of similar corner plots with low boundaries, so the site circumstances are not so unusual as to warrant a different approach. I also do not see it as impossible to fence a smaller area further from the highway or to use hedging instead, which would also allow these benefits, but reduce or remove the harm. The benefits and site circumstances in totality therefore do not outweigh the harm which I have identified.

Conclusion

12. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L N Hughes

INSPECTOR