



Appeal Decision

Site visit made on 1 November 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2024

Appeal Ref: APP/X2410/D/23/3328032

116 Holywell Drive, Loughborough, Leicestershire LE11 3JZ

- 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 T Burton against the decision of Charnwood Borough Council.
 - The application Ref. P/23/1064/2, dated 16 June 2023, was refused by notice dated 2 August 2023.
 - The development proposed is erection of 1600mm high front boundary fence.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issue in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
3. The Council refers to progress made on the emerging Charnwood Local Plan 2021–37 Pre-Submission Draft July 2021 (the Emerging Plan), more specifically that, following Independent Examination, the Emerging Plan is at an advanced stage of preparation. The Council considers that Policy DS5 of that Plan, which addresses matters regarding the effect development may have on the character and appearance of an area, carries moderate weight since there are no unresolved objections to that policy. I have had regard to the Emerging Plan in my determination of this appeal in accordance with the requirements given at paragraph 48 of the Framework, noting the provisions set out at Annex 1 of the revised Framework regarding pre-submission plans. I have no reason to disagree with the Council's conclusion that moderate weight should be given to Policy DS5 of the Emerging Plan and I have determined the appeal accordingly.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a corner plot on a quiet street in a mature modern residential estate which comprises mainly semi-detached and detached houses. In common with nearby houses, the appeal property is set back a short distance

from the highway leaving short front and side gardens. At the time of my site visit, a close-boarded timber fence was in place around part of the boundary with the highway on Holywell Drive, and this returns along the property boundary with the highway on Kirkstone Drive. This was largely in the position shown on the plans but appeared to be substantially taller than the proposal before me. From the evidence I have seen I understand that this is the 1.9m high fence the subject of a previous planning application¹ refused by the Council, and it appeared to be around that height.

6. I saw that there is some variety in front garden boundary treatments in the vicinity of the appeal site and throughout the housing estate, including those examples cited by the appellant. However, the majority of front garden boundary features in the area are substantially lower than the appeal scheme. Site boundaries to the back edge of the highway at properties in the immediate vicinity of the appeal site are predominantly defined by low walls and generally well-maintained shrubs and hedging.
7. The pleasant soft green vegetation to garden boundaries along with the remaining low brick walls make a significant contribution to the quality of the local environment and are defining characteristic features of the area. The fence currently in place at the appeal property highway boundaries jars markedly when seen in context with those other established boundary treatments. The limited reduction in the height of this fence to 1600mm, as is proposed, would do little to alter the visual prominence within the street of an uncharacteristic tall, hard, and solid structure which would be noticeably different to, and less attractive than, the existing other lower means of enclosure in the area and the locally predominant shrubs and hedging.
8. In these respects, the development would be at odds with guidance set out in the Charnwood Design Supplementary Planning Document (June 2020) (the SPD) which, in considering the design and siting of boundary treatments, requires a balance to be struck between privacy, safety and aesthetics; and that boundaries should respond positively to the character of the buildings and spaces they surround.
9. The proposed development would appear out of place by virtue of its height, prominent position, and solid nature thereby causing harm to the character and appearance of the area. Accordingly, it would conflict with Policy CS 2 of the Charnwood Local Plan 2011 to 2028 Core Strategy and saved Policy EV/1 of the Borough of Charnwood Local Plan 1991-2006 (January 2004) (the Local Plan) both of which require a high standard of design in new development and that proposals respond positively to their context. The development would also conflict with the SPD guidance noted above, and with the Framework in respect of achieving well designed and beautiful places.
10. The Council refer to Policy H/17 of the Local Plan in its reason for refusal. However, that policy concerns extensions to dwellings and I have not been directed to wording in that policy which is relevant to the appeal before me.

Other Matters

11. The appellant indicates that the previous boundary wall was in a dangerous condition, that trees and hedges were removed in the interests of safety,

¹ Council Ref. P/19/1096/2

including visibility at the junction, to improve natural light to neighbours, and to prevent damage to the property and the adjacent highway. Furthermore, he was unaware of the need to obtain planning permission prior to erecting the fence. However, these are neutral matters in my assessment of the planning merits of the appeal, they do not justify the introduction of harmfully incongruous boundary fencing, and do not weigh in favour of the proposal.

12. The proposed development would provide privacy and security for the occupiers of the appeal property, including when using the front and side gardens. However, this would be a private benefit and it attracts little weight in favour of the proposal given that alternative appropriate screening, including planting with suitable root protection measures, could be provided to the property boundaries without the need for planning permission.
13. I have noted the presence of other solid boundary treatments in the locality. However, I have not been provided with confirmation about the planning status of the examples cited by the appellant, all of which I saw during my site visit. Nevertheless, the continued presence of these features does not equate to a lack of harm being caused to the character and appearance of the area and does not justify the further harm that would arise from the proposed development. In these respects, I am not persuaded that the presence of other tall fences on the housing estate set a precedence that would weigh in favour of the proposal. The matters raised by the appellant and the representation from neighbours in support of the proposal do not mitigate the harm I have identified.

Conclusion

14. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR