
Appeal Decisions

Site visit made on 11 December 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal A Ref: APP/H0520/W/23/3327023 40 Nursery Gardens, St Ives PE27 3NL

- 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 & Mrs Baulk against the decision of Huntingdonshire District Council.
 - The application Ref 22/01205/FUL, dated 30 May 2022, was refused by notice dated 21 February 2023.
 - The development proposed is the change of use from kerbside landscape to residential garden. Erection of boundary fence. Fence to replace wall.
-

Appeal B Ref: APP/H0520/W/23/3327025 40 Nursery Gardens, St Ives PE27 3NL

- 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 & Mrs Baulk against the decision of Huntingdonshire District Council.
 - The application Ref 23/00604/FUL, dated 17 April 2023, was refused by notice dated 28 June 2023.
 - The development proposed is the change of use of amenity land to form garden curtilage and the rebuilding of boundary wall.
-

These decisions are issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersede those issued on 03 January 2024.

Decision

1. Both appeals are dismissed.

Main Issue

2. In both cases the main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

3. The two very similar proposals are to incorporate a strip of roadside amenity land alongside No 40 Nursery Gardens into the private garden and to erect new boundary screening set back 0.5 m from the back edge of the footway. In the case of Appeal A the screening would be a 1.8 m tall close boarded fence whilst in the case of Appeal B the screening would be a 1.8 m high brick wall. The existing brick wall which screens the rear garden would be removed.

4. Nursery Gardens is an attractive modern housing estate of large detached houses mostly fronting onto the road behind front gardens. However, No 40 lies side onto the road with a landscaped strip about 2 to 3 m wide running alongside the house and the brick wall behind which screens the private rear garden. The proposals would enclose about 30 sq m of this strip with a 1.8 m high fence or wall to incorporate it into the rear garden, leaving a 0.5 m wide strip alongside the new boundary for landscaping.
5. The area of land concerned is too small to have any practical recreational open space function but the area of grass and well-established bushes alongside the house and rear garden act to soften the built form in this part of the road and directly faces those leaving the eastern cul-de-sac (Nos 26-35). The feature complements similar areas elsewhere in the road such as the bushes alongside No 22 and the garages of Nos 25 and 35. All these areas add to the verdant nature of the estate and make a positive contribution to the street scene.
6. The proposals, whether involving fencing or a brick wall, would introduce a stark and visually prominent feature into the street scene and the loss of the existing mature landscaping. A narrow strip only some 0.5 m wide would be insufficient for replacement planting to establish and thrive to significantly mitigate the detrimental visual impact that would result.
7. The appellant points out the long close boarded fence at the entrance to Nursery Gardens but this is not within the estate proper and is set back behind a wide grass verge. Two instances of amenity areas being enclosed are put forward as precedents but that at Ditchfield Somersham lies alongside a footpath interconnecting two parts of a significantly less verdant estate and that at Burstellers St Ives does not appear to have been granted planning permission. The fence at Pig Lane St Ives fronts onto a main road in the town, not a quiet residential cul-de-sac. None of these examples are therefore directly comparable to the appeal proposals. Finally, the permitted development fallback position would be a 1.0 m high fence or wall, but this would have considerably less impact in the street scene.
8. For these reasons the proposals would significantly harm the character and appearance of the street scene in conflict with Policies LP11 and LP12 of the Huntingdonshire Local Plan 2019. These require proposals to create high quality and well-designed places, to contribute positively to the area's character and identity, to create attractive built frontages, and to avoid the introduction of incongruous and/or intrusive elements.

Conclusion

9. The proposals would provide additional rear garden space for the appellants and their family but this benefit is outweighed by the significant harm that has been identified to the character and appearance of the street scene and the associated conflict with the development plan.
10. Having regard to the above both appeals should be dismissed.

David Reed

INSPECTOR

