



Appeal Decision

Site visit made on 20 February 2024

by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date 29th February 2024

Appeal Ref: APP/T3725/D/23/3332137

34 Leyfields Crescent, Warwick, CV34 6BA.

- 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 Richard Harris against the decision of Warwick District Council.
 - The application Ref W/23/0643, dated 29 April 2023, was refused by notice dated 10 August 2023.
 - The development proposed is the erection of a 6ft [1.83m] fence around border of property to enclose garden for children to play safely and privately.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issues are the effect of the proposed fence on the character and appearance of the appeal property in the context of the street scene in Leyfields Crescent and on road safety.

Reasons

Character and Appearance

3. The proposed 1.83m fence would surround the greater part of the presently open street frontage to the side of No 34 Leyfields Crescent, extending from the back of the footway and returning towards the front of the dwelling to leave open only the driveway and a smaller area of front forecourt.
4. This would be an exception, markedly out of keeping with the otherwise open and spacious street frontage, which is a feature of the rest of the Crescent.
5. As a result, the proposed fence would be seen as a harsh visual intrusion, detracting unacceptably from the character and appearance of both the host property and the surrounding street scene.
6. Accordingly, the proposed fence would be in conflict with the requirements of Policy BE1 of the Adopted Warwick District Local Plan that new development should contribute to the character and quality of its environment through good

layout and design, harmonise in physical form, reinforce the established urban character of streets, and respect local architectural distinctiveness.

Road Safety

7. The proposed fence would, to some extent, impede forward visibility for drivers negotiating the relatively tight bend in Leyfields Crescent adjacent to the appeal site. Given comparatively light traffic and low speeds generally associated with such residential thoroughfares, I do not consider this to warrant any overriding planning objection. However, it does lend some additional weight to the case against the appeal proposal.

Other Matters

8. The fence would benefit the Appellant and his family by providing increased safe, enclosed private amenity space for children's play and this consideration carries material planning weight. However, I note that the property already enjoys an area of enclosed rear garden.

Conclusion

9. On balance, in my overall judgement the harm that the fence would cause in terms of character and appearance overrides all other planning considerations, renders the proposal in conflict with the development plan as a whole and warrants dismissal of this appeal.

B J Sims

INSPECTOR