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# Appeal Decision

Site visit made on 24 March 2024

**by Alison Hartley, LLB(Hons), Solicitor, MBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 April 2024**

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**Appeal Ref: APP/X3540/D/24/3336902**

**Holly Tree, 817 Foxhall Road, Rushmere St Andrew, IPSWICH, IP4 5TJ**

- 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 Gemma Baker against the decision of East Suffolk Council.
  - The application Ref DC/23/3628/FUL, dated 19 September 2023, was refused by notice dated 16 January 2024.
  - The proposed development is for the erection of a two-metre high wicker fence to driveway at front of property.
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## Decision

1. The appeal is dismissed.

## Procedural Issues

2. Prior to the planning application being determined the Appellant deleted the gate from the proposal with the agreement of the Council. The description of the application is for a wicker fence. Within an e mail dated 2 January 2024 to the Council, the Appellant had proposed an amended design to replace the wicker fencing with a two-metre high timber fence of convex tongue and groove design. Although the Council Officer in response did not object to the design or a fence in principle at this location, they maintained an objection to the height of the fence, preferring a height of no more than 1.5 metres above ground level in the interests of visual amenity.
3. Notwithstanding the e mail of 2 January 2024, the Officer Report and the Notice of Decision show the proposal considered by the Council on 16 January 2024 was for a wicker fence. That is the proposal before me.

## Main Issue

4. The effect of the proposal on the character and appearance of the building and the surrounding area.

## Reasons

5. The area surrounding the appeal site is residential with properties set back from the road frontage with low boundary walls or fencing adjacent to the highway. These open frontages allowing views along Foxhall Road are an important characteristic of the area. The appeal dwelling is a bungalow, which is set back, with parking at the front. At the front boundary with the highway there is a conifer hedge approximately five metres in height next to the

existing fence which is approximately 1.2 metres high. The conifers appear overgrown and overhang the highway.

6. The proposal consists of a two-metre high wicker fence to replace the existing fence and conifers. Whilst removal of the conifers would undoubtedly make a positive contribution to the character and appearance of both the building and the surrounding area, a fence of two metres in height would adversely impact on the street-scene. The proposal would create an undue sense of enclosure to the building and would be unduly prominent in the street-scene by virtue of its height and appearance. I find that the benefit from removal of the conifers would not outweigh the harm caused by the proposal.
7. I note that a close boarded fence of approximately two metres high has been approved further along Foxhall Rd, as the road slopes down towards the roundabout. That proposal has been previously assessed on its own merits by the Council. I consider the style of fencing to be less harmful than the appeal proposal, by virtue of its materials. In addition, its position is less elevated and closer to the roundabout. Thus, unlike the appeal proposal, it is not within the more extensive views along Foxhall Road, which are experienced at the brow of the slope when travelling up from the roundabout. In any event, I do not consider this individual approval to be a precedent and have assessed the appeal proposal on its own merits, concluding that the further introduction of a two-metre fence would cause the harm identified above.
8. Consequently, I find that the proposal conflicts with Policy SCLP11.1 of the East Suffolk Council – Suffolk Coastal Local Plan (2020), Policy RSA9 of the Rushmere St Andrew Neighbourhood Plan (2023) and paragraph 135 of the National Planning Policy Framework (2023) in terms of the harmful impact of its design on the character and appearance of the building and the surrounding area.

### **Other Matters**

9. My attention has been drawn to the Appellant's e mail dated 2 January 2024 proposing an alternative close boarded convex fence of two metres. I have not considered this in my decision.

### **Conclusion**

10. Having taken into account all representations made, for the reasons given above, I conclude that the appeal should be dismissed.

*A Hartley*

INSPECTOR