



Appeal Decision

Site visit made on 25 March 2024

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

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/X3540/D/24/3332041

2 Blyford Way, Felixstowe, IP11 2FW

- 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 Miss Hannah Patterson against the decision of East Suffolk Council.
 - The application Ref DC/21/1402/FUL, dated 18 March 2021, was refused by notice dated 6 September 2023.
 - The proposed development is a fence around the front of the property.
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Decision

1. The appeal is allowed and planning permission is granted for a fence around the front of the property at 2 Blyford Way, Felixstowe, IP11 2FW in accordance with the terms of the application reference DC/21/1402/FUL dated 18 March 2021 subject to the following condition:

- 1) The development hereby permitted shall be retained in accordance with the following approved plans:

Proposed Block and Location Plan received by the LPA on 12 April 2021;
Arial Elevation & Front & Side Elevation Plans received by the LPA on 19 April 2021.

Procedural Issues

2. At the site visit I noted that the fence and gate that is the subject of this appeal have already been erected. Timber fencing has also been erected above the existing brick wall to the north-west of the curtilage, however this element is not part of this appeal proposal.
3. My attention has been drawn to condition 23 attached to outline planning permission reference C.1919/9 dated 7 July 1978. The condition removes permitted development rights for fencing between the highway and dwelling ... "in the interests of amenity and cohesion for the new development as a whole." The permission also states that the condition "...does not imply open front design and layout which would not be appropriate for the whole of this development." It is in this context that planning permission is required for the appeal proposal.
4. The National Planning Policy Framework (the Framework) has been updated since the parties' appeal submissions have been made. However, as the revisions do not affect the matters under consideration in this appeal (other

than different paragraph numbering), it was not considered necessary to seek further comment.

Main Issue

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

Reasons

6. The appeal site is located at the corner of Hintlesham Drive and Blyford Way. The dwelling is set back from the road with garden to the front and rear. The surrounding development is predominantly residential with properties of varying design, scale and size. There are a range of different boundary treatments around properties in the area, including close boarded timber fences, hedges, brick walls, timber picket fences and low-level post and rail style fences. I find no dominant design characteristic within the surrounding area.
7. Whilst the fence is at a prominent corner, I find that its modest height, traditional style and natural materials do not appear incongruous within the character of the area described above and do not adversely impact on the character of the building. The highway sign mounted on the fence at the street corner makes a positive contribution by encouraging a visual reading of the boundary as an established streetscape feature.
8. Consequently, I find that the proposal complies with East Suffolk Council – Suffolk Coastal Local Plan (September 2020) Policy SCLP11.1 and paragraph 135 of the Framework in terms of the acceptable impact of its design on the building and the existing character of the area.

Condition

9. I have had regard to the condition suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty.

Conclusion

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

A Hartley

INSPECTOR