



Appeal Decision

Site visit made on 26 March 2024

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal Ref: APP/C1055/D/23/3327524

Fennel Cottage, 11 Limes Avenue, Mickleover, Derbyshire DE3 0DB

The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.

- The appeal is made by Mr Matthew Hubbard against the decision of Derby City Council.
 - The application Ref is 23/00278/FUL.
 - The development is boundary fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development from the Council's decision notice and the appellant's appeal form amended as the development has already taken place. This more accurately describes the development than that on the appellant's application form.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area and with regard to the setting of Fennel Cottage a Grade II listed building.

Reasons

4. Fennel Cottage is a grade II listed building constructed in the eighteenth century from red brick with a rubble base. It is formed of two storeys sited close to the road. Its significance, for the purposes of this appeal is largely derived from its architectural and historic interest as an example of domestic architecture. Although it has been extended, its original core is legible together with historic materials.
5. It is sited on a narrow road in the middle of modern housing development comprising flats and terraced housing together with a large supermarket and car park to the rear of the appeal site. Its original setting has therefore been considerably eroded and altered. Nevertheless, the garden to the south-east and its siting close to the road allows views of Fennel Cottage and appreciation of its significance.
6. Existing properties along Limes Avenue either have no boundary treatment or open railings creating a relatively open character and appearance along the street with little sense of enclosure.

7. The development takes the form of a high timber fence around the garden together with a lower picket fence to the road frontage extending along Limes Avenue.
8. The low picket fence is relatively open and forms the boundary with the road. Although it extends across the front of the property it is clear from evidence submitted by the appellant that this reflects a previous fence at the property. In any case it is low level, open and sited away from the building so that the significance of the listed building can still be appreciated within the streetscene without interference. Consequently, it does not cause harm to its significance or the open character and appearance of the area.
9. The taller fence is set back behind the building frontage extending around the garden forming a boundary to the adjacent footway through to the supermarket to the rear. The land slopes upwards away from the road such that the relative height of the fence varies.
10. The fence along the rear boundary to the supermarket and that to the side to the footpath is located away from the house and while tall does not overly interfere with or compete with the listed building. Furthermore, that to the side boundary is also stepped, giving a break to the overall solid appearance of the fence.
11. Along the frontage the fence to the east of the access gate is partly obscured by the existing trees. These reflect the character of the road as it continues and changes to a track, having a rural appearance towards the Limes Residential Home. However, the fence next to Fennel Cottage is tall, solid and visibly intrusive, competing with the listed building and restricting views of it from the east along the street diminishing the ability to appreciate its significance and eroding the open character and appearance of the area.
12. I have given some consideration as to whether painting the fence would provide some mitigation. However, it is the height and solid appearance that is harmful and painting it would not overcome these concerns.
13. Given that the setting is just one part of the significance of the building the harm caused is less than substantial. Public benefits of the proposal would have been economic from the purchase and installation of the materials to construct the fences. However, these would not be sufficient to outweigh the less than substantial harm to which I give considerable importance and weight.
14. For the reasons above, I conclude that the picket fence is acceptable but the solid fencing along part of the front boundary is harmful to the character and appearance of the area and the setting and significance of Fennel Cottage a Grade II listed building. It is therefore contrary to Policies CP3, CP4 and CP20 of the Derby City Council Local Plan - Part 1 Core Strategy 2017 and saved policy E19 of the City of Derby Local Plan Review 2006. Together these require that development is of high quality that makes a positive contribution towards character, distinctiveness and identity of neighbourhoods as well as preserving and enhancing the special character and significance of heritage assets.

Planning Balance and Conclusion

15. Part of the solid fence is contrary to policies regarding design and heritage assets and therefore conflicts with the development plan as a whole.

16. The solid fence would afford privacy for the residents of the appeal site from the supermarket, which has a delivery access road next to the rear boundary of the property, the adjacent footway from Limes Avenue to the supermarket and Limes Avenue itself. However, the harm to the character and appearance of the area and the significance of the listed building derives from part of the fence adjacent to Limes Avenue.
17. While I therefore give the improvement of privacy modest weight, together with the economic considerations I outline above they are not sufficient to outweigh the conflict with the development plan.
18. For the reasons above the appeal is dismissed.

Zoe Raygen

INSPECTOR