



Appeal Decision

Site visit made on 18 April 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09.05.2024

Appeal Ref: APP/P4415/D/24/3337945

58 Lodge Lane, Aston, Rotherham S26 2BP

- 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 Victoria Delaney against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref: RB2023/1399, dated 10 October 2023, was refused by notice dated 24 November 2023.
 - The development proposed is described as the erection of fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On my site visit I observed that the development had taken place and was complete. It is clear from the evidence provided, and from my site visit, that the development has been constructed and is in accordance with the submitted plans. I have determined the appeal on this basis.
3. In the banner above I have used the description of development as described on the decision notice instead of the planning application form, as this describes the proposed development more concisely.
4. Since the decision was made by the Council, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issue.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal dwelling is a two-storey, semi-detached property which is located at the junction of Lodge Lane and Hepworth Drive. The dwelling and its semi-detached pairing, No.56 Lodge Lane (No.56), are set back from Lodge Lane, and are angled so that they face towards the junction with Hepworth Drive. The appeal dwelling, and No.56, benefit from large front gardens. The surrounding area is predominantly residential. While there is a mix of front boundaries in the area, including some tall fencing, roadside boundaries generally comprise

of low-level walls, fencing and hedges. These low-level boundaries provide a general sense of openness across the front of the properties along this part of Lodge Lane and along Hepworth Drive.

7. The fence is attached to the original low level front boundary wall, almost doubling the height of boundary. The fence is solid and lacks any permeability. This solid form, and overall height of the fence, significantly erodes visibility across the front garden of the appeal site and its neighbours. In addition, the timber vehicular and pedestrian access gates, are of the same material and height as the fencing. Their solid form, result in oppressive and defensive elements which contrast markedly with the surrounding boundaries. Together, these are to the detriment of the general sense of openness within the street. Further, the height and nature of the boundary erodes the general symmetry of boundaries with the dwellings on the opposite side of Hepworth Drive, which results in a visually unbalanced junction.
8. The fence fronting Lodge Lane is taller than the height of the side boundary fence with No.56. When approaching Lodge Lane along Hepworth Drive the difference in heights is particularly apparent with two contrasting fence heights visible. This difference in heights adds to the overall visual incongruity of the fence.
9. I acknowledge that there are a variety of fence types and designs within the surrounding area, including some tall fencing fronting Lodge Lane. Nonetheless, I find the immediate context of the appeal site, at the junction with Hepworth Drive, to be one of low-level boundaries and with a general sense of openness. Therefore, the presence of other fencing in the area does not outweigh the harm which arises from the development. In any event, I have considered the development on its individual merits.
10. Therefore, I find that the development has a harmful effect on the character and appearance of the area. The development therefore conflicts with Policies CS28 and CP55 of the Rotherham Local Plan Core Strategy 2013-2028 (2014), and the Framework which, amongst other matters, require development to achieve high quality design. The development also conflicts with the Householder Design Guide Supplementary Planning Document (2020) which advises that careful consideration be had to the construction of boundaries, which can be visually oppressive particularly in areas where front gardens are generally open.

Other Matters

11. I acknowledge that the fence provides privacy and security for the appellant and their family. Nevertheless, it is likely that these benefits to the appellant would be short term when compared to the permanent harm to the streetscene. This is therefore not a significant factor in my overall assessment. In addition, I note the letter of support from the adjoining property, however such support is not a determinative factor which would outweigh the harm that I have identified.
12. I also note that the appellant has sought, and struggled, to obtain information from the Council with regard to their decision-making process. However, this is a matter between the parties and is not material to the appeal.

Conclusion

13. For the above reasons the appeal is dismissed.

D Cleary

INSPECTOR