



Appeal Decision

Site visit made on 8 April 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2024

Appeal Ref: APP/P4415/D/23/3333993

2 Marlowe Road, Herringthorpe, Rotherham S65 2JH

- 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 Arielle Moshkovitz against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref is RB2023/1003.
 - The development proposed is timber boundary fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The boundary fence was already in place at the time of my visit. I have therefore considered the proposal on a retrospective basis.

Main Issue

3. The effect of the development on the character and appearance of the area.

Reasons

4. The appeal relates to a dwelling on Marlowe Road, close to the junction with Stevenson Drive/Swinburne Place. The area is residential in character, with a consistent built form of two storey, semi-detached, red brick dwellings set back from the road with front and rear gardens. From my observations, hedgerows represent the original front boundary treatments within the area. At the appeal site, the hedgerow has been replaced by an unpainted, close boarded timber fence fixed to concrete plinths and posts.
5. The Council's Householder Design Guide Supplementary Planning Document (June 2020) (the HDG) sets out that '*high front boundary walls create a poor street scene and can be visually oppressive particularly in areas where front gardens are generally open or formed of low boundaries.*' It further points to structures of utilitarian appearance spoiling the look of the house, and that hedges are attractive features if properly cared for.
6. Within the immediate surroundings of the appeal site, the adjacent property at No 3 has a red brick wall with black painted metal railings above and between taller brick pillars, with a hedge maintained behind, though I have no details of its planning history. No 1 opposite has similar fencing to the appeal site, but I note that an application to retain this development was refused permission and

an appeal dismissed in November 2023¹. I also saw fencing and walls opposite the appeal site to 4 and 6 Stevenson Drive.

7. However, I also saw that a considerable number of dwellings on Marlowe Road, Marlowe Drive and Stevenson Drive/Swinburne Place retain their original hedgerows and despite other examples of fencing having been introduced along these streets, the hedges remain the prevailing boundary treatment and this can be appreciated in vistas along these streets. I also observed that, for the most part, the fencing which has been installed along these streets is lower in height than that installed at the appeal site. Therefore, whilst these properties have lost their hedgerows, they are at least consistent with the HDG in terms of avoiding fencing of oppressive height or form and respecting the open aspect to the front of the properties.
8. The appeal scheme does not accord with the HDG in this respect. Due to its height and solid form, the fence has a dominant presence within the street scene and creates an uncharacteristic sense of enclosure to the property which contrasts with lower boundary treatments and generally more open frontages to surrounding dwellings. This impact is exacerbated by its greater length of street frontage compared to other dwellings and its prominent position on a junction where it is exposed to views from more directions. The utilitarian form of the fence jars in particular with the established hedgerow to the adjacent dwelling at 5 Stevenson Place. I concur with the Inspector in the appeal at 1 Marlowe Road that painting or staining of the timber would not sufficiently moderate the appearance of the fencing.
9. For these reasons, I conclude that the appeal scheme harms the character and appearance of the area, contrary to Policy CS28 of the Core Strategy (September 2014) and Policy SP55 of the Sites and Policies Document (June 2018) (the S&PD), which require high quality development that positively contributes to the local character and distinctiveness of the area. These policies are consistent with the aspirations for high quality design set out in the National Planning Policy Framework.

Other Material Considerations

10. The appellant refers to a lack of objection from residents, and to the refusal being solely based on the Council's preferences. However, whilst the absence of public comment is noted, this is not an overriding consideration and the Council (and now me) as decision-maker is required to determine the application against the policies of the development plan, having regard to relevant material considerations, which includes the HDG in this case. I have done this above and consider other matters raised below.
11. I note the Council's reference to potential enforcement action to require the fence to be lowered to a height of one metre, presumably on the basis that a fence of this height would amount to permitted development. I also have no evidence before me of a planning condition or other restriction that stipulates that the hedgerows are required to be maintained in perpetuity. However, although the potential fall-back position of a one metre fence would not bring back the hedgerow, it would be significantly less dominant in height and would restore visibility of the front garden of the dwelling within the street scene, which would accord with the guidance of the HDG. As such, this alternative

¹ Appeal Ref: APP/P4415/D/23/3329907

would not be more harmful to the character and appearance of the area, and so this is not a consideration weighing in favour of the appeal scheme.

12. I note the reasons put forward by the appellant for the fence, including the need to keep dogs enclosed, for privacy reasons and ease of maintenance. Taller, solid boundary treatments may provide some additional peace of mind for the appellant in these respects, but securing the site for pets and family members could be achieved by other, less harmful forms of boundary treatment, including the use of solid treatments behind a hedgerow. Any benefits in this respect would also be private, rather than public, which limits the weight to be afforded to them. I also have no evidence that maintenance of the hedge would not be feasible. The preference of the appellant not to have to maintain a hedge is otherwise not a factor weighing in the scheme's favour.
13. The absence of harm identified to highway safety is a neutral factor weighing neither for nor against the scheme.

Conclusion

14. For the reasons set out, the appeal scheme conflicts with the development plan, taken as a whole. Material considerations in this case do not indicate that planning permission should nevertheless be forthcoming despite this conflict. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR