



Appeal Decision

Site visit made on 17 April 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14.05.2024

Appeal Ref: APP/K0235/D/24/3336759

9A Bayham Close, Abbeyfields, Elston, MK42 9GF

- 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 Laura Darling against the decision of Bedford Borough Council.
 - The application Ref 23/01691/S73A, dated 26 August 2023, was refused by notice dated 20 October 2023.
 - The development proposed is the relocation of a 1.8m high fence.
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Procedural Matters

1. The description of the development in both the banner heading and my decision below is taken from the Council's decision notice, which is more concise than the wording given in the planning application form.
2. The proposed fence has already been erected, but this does not influence my assessment of the proposal.

Decision

3. The appeal is allowed and planning permission is granted for the relocation of a 1.8m high fence at 9A Bayham Close, Abbeyfields, Elston, MK42 9GF in accordance with the terms of the application, Ref 23/01691/S73A, dated 26 August 2023, subject to the following condition:
 - 1) The development hereby permitted relates to the following approved plans: Site Location Plan; and Drawing No. OAK-9a Bay.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal property is a modern end-of-terrace dwelling, which is situated in a prominent corner location on Bayham Close. The proposal is to erect a 1.8m high timber fence onto part of a landscaped area at the side of the property. The land is in the ownership of the appellant and the fence enables the appellant to have a larger enclosed rear garden.
6. The Council contends that the enclosure of part of the landscaped space is harmful to the character and appearance of the area, by reducing the sense of openness. It points to the landscaping as being an integral part of the layout

of the estate. The Council cites a conflict with Policy 28S (i) and (ii), Policy 29 (ii) and Policy 30 (i) and (ii) of the adopted Bedford Local Plan. These policies require the design of new development to be of high quality, to complement the character of the area and respect the site's context.

7. As stated above, the fencing has already been erected and whilst it occupies part of the landscaped area, it has been positioned in a manner that has ensured that a large part of the soft landscaping remains. Furthermore, the existing trees, shrubs and hedging within the remaining landscaped strip, partially screen and soften the visual impact of the fencing.
8. In my opinion, the appeal proposal does not have an adverse effect on the character or appearance of the area and the integrity of the wider landscaping on this part of the estate has not been compromised. Accordingly, the proposal does not conflict with the provisions of the Local Plan, as referred to above.

Conditions

9. As the fencing has already been erected and is acceptable, the only condition that is necessary is one listing the approved plans.

Conclusion

10. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR