
Appeal Decision

Site visit made on 13 May 2024

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2024

Appeal Ref: APP/H0520/W/24/3338997

11 Popham Close, Eaton Socon, St Neots PE19 8TY

- 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 Ms McColl & Mr Ray against the decision of Huntingdonshire District Council.
 - The application Ref 23/01035/FUL, dated 6 June 2023, was refused by notice dated 8 September 2023.
 - The development proposed is the erection of a timber fence and change of use from amenity land to domestic use.
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Decision

1. The appeal is allowed and permission is granted for the erection of a timber fence and change of use from amenity land to domestic use at 11 Popham Close, Eaton Socon, St Neots PE19 8TY, in accordance with the terms of the application, Ref 23/01035/FUL, dated 6 June 2023, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the scheme on the character and appearance of the street scene.

Reasons

3. The application is for retrospective planning permission to change the use of a strip of grassed amenity land alongside Nelson Road into domestic garden for the adjacent property No 11 Popham Close and to enclose the area with a 1.8 m high close boarded fence. The scheme has already been carried out.
4. Nelson Road comprises a gently curving distributor road within a modern housing estate and is characterised by areas of grassed amenity land on either side bounded by tall brick walls which screen off the adjacent rear gardens. The appeal site, until recently, formed one such strip of amenity land alongside the rear garden of No 11.
5. The areas of open land and landscaping alongside the road arguably make an attractive contribution to the character of the estate but, perhaps surprisingly, the Council conclude that the appeal site does not 'offer any significant public value'. The town council agree. The objection is thus solely to the form of enclosure that has been adopted.

6. Whilst tall brick walling is common alongside Nelson Road this is by no means consistently the case. In particular, the side boundaries of 17 Beauchamp Close and No 2 Cunningham Way consists of tall fencing and there are lengths of tall hedging alongside No 1 Cunningham Way, adjacent to the bus stop opposite that, alongside No 44 Nelson Road and between Beatty Road and Blakes Way. There is another long section of tall fencing beyond Blake's Way. The Council state that some of these may require planning permission but there is no indication that this will be refused and enforcement action taken.
7. The tall fencing alongside No 11 does not therefore appear out of place on Nelson Road particularly as space has been left for a laurel hedge in front. This appears to be taking well and should in a reasonable period provide complete screening for the fence behind, then appearing similar to the other sections of tall hedging along the road. The scheme would then comply with the Council's design guidance which accepts that side boundaries in the public domain can be formed of a high hedge as well as a solid wall.
8. For these reasons the scheme does not significantly affect the character and appearance of the street scene and complies with Policies LP11 and LP12 of the Huntingdonshire Local Plan 2019 and Policy A3 of the St Neots Neighbourhood Plan 2016. These require proposals to respond positively to their context, to avoid the introduction of incongruous and/or intrusive elements into key views and vistas and to reinforce local distinctiveness.
9. The Council suggested four conditions should the appeal be allowed and these have been assessed against the relevant tests. The implementation time limit is unnecessary since the scheme has already been carried out but the approved plans should be defined in the interests of certainty. There is no need to control the materials to be used in this case. However, a condition is required to ensure the laurel hedge is maintained and grown to at least 1.8 m height to screen the fence behind.

Conclusion

10. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan 23026/00A
Existing and Proposed Site Plan 23026/PL01
Existing and Proposed Elevations 23026/PL02A
- 2) If within a period of five years from the date of this decision any part of the new hedge shown on the approved plans is removed, uprooted, destroyed or dies, it shall be replaced with the same species and size as that originally planted during the current or next planting season, unless otherwise agreed in writing by the local planning authority. The hedge shall be allowed to grow to at least 1.8 m tall.