



Appeal Decision

Site visit made on 8 July 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/B3030/D/24/3343658

126 Whinney Lane, Ollerton, Nottinghamshire NG22 9TZ

- 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 Andrew Norton-Firth against the decision of Newark and Sherwood District Council.
 - The application Ref is 23/02032/HOUSE.
 - The development proposed is described as 'erect free standing roof and boundary fencing along boundary on Fir View'.
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Decision

1. The appeal is allowed and planning permission is granted for a free standing roof and boundary fencing at 126 Whinney Lane, Ollerton, Nottinghamshire NG22 9TZ, in accordance with the terms of application, Ref 23/02032/HOUSE, and the plans submitted with it.

Procedural Matter

2. The development the subject of this appeal is already in place. According to the Council, there were originally 1.5 metre high concrete panels to the west, north and north-eastern boundaries of the site, although it also comments that the four timber panels with concrete posts facing the corner with Whinney Lane are new, and that they adjoin older timber panels on Fir View.
3. For the sake of clarity, I have therefore dealt with the appeal on the basis of the retention of all the boundary treatment depicted on the submitted drawings, along with the secure, covered parking area behind it.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host property and the area.

Reasons

5. The Council's Householder Development Supplementary Planning Document 2014 ('SPD') sets out that outbuildings and garages should not be overly dominant in comparison to the main dwellinghouse, or in the context of the surrounding area; and that boundary treatment should not be too intrusive, particularly on corner plots.
6. The host comprises a semi-detached house, which is prominently positioned on the corner of Whinney Lane and Fir View. The surrounding area is primarily

- residential, comprising a mix of predominantly two storey, semi-detached dwellings. The buildings are set back from the highway, with the handful on corner plots often set at an angle to the roads. Many have open frontages, but I also observed low concrete panel walls, fences and hedgerows.
7. At around 1.8 to 2.0 metres high, the concrete post and timber fence the subject of this appeal is only slightly taller than the concrete panels that I am told it replaced. The newer section of fence around the road junction is short in length and adjoins the older timber fence on Fir View, whose style, height and materials it matches. Whilst it is lighter coloured, it will weather such that that distinction will diminish over time.
 8. Although the fence has resulted in the frontage of the plot, and the views in this part of the streetscene, becoming slightly more enclosed, those impacts are tempered by the relatively low ground level compared to the host dwelling, which forms a much taller, significantly elevated, backdrop. Given the relatively limited increase in height of the fence compared to the pre-existing concrete panels, and the textured appearance of its timber, the boundary treatment is not overly intrusive, and it has not had a significant 'deadening' impact on the streetscene.
 9. Turning to the covered parking area, this has a fairly large footprint, but occupies only a small proportion of this spacious plot. Despite its size, it is not prominent in public views, due to its limited height, and that only the upper most sections of its timber supports and the end of its narrow profile corrugated roof are visible above the boundary fence.
 10. As a result of its open-sided northern and eastern elevations, its siting on the lowest part of the plot, its modest height, and its flat-roofed form, it has a limited bulk and mass. Consequently, it does not stand out as an unduly prominent structure in the streetscene; and it appears appropriately subordinate to the host dwelling.
 11. For these reasons, the development has not harmed the character and appearance of the host or the area; and an undesirable precedent would not be set should the appeal be allowed.
 12. The scheme does not therefore conflict with Core Policy 9 of the Newark and Sherwood Amended Core Strategy 2019, or with Policies DM5 and DM6 of the Newark and Sherwood Allocations and Development Management Development Plan Document 2013. Amongst other things, these require proposals to demonstrate a high standard of sustainable design, and a form, scale, mass, layout, design and materials which are appropriate to the context, including the host dwelling.
 13. Neither does it conflict with the stance in the SPD, or with the National Planning Policy Framework requirement for good design, which responds to local character.
 14. As the development is already in place, the suggested conditions regarding the time limit for commencement and the use of matching materials are not appropriate. For similar reasons, a condition requiring that the development be carried out in accordance with the approved plans is also inappropriate but, in the interests of certainty, I have referred to those plans in my formal decision.

15. Finally, the Council has suggested a condition requiring the submission of details of the fence and covered parking area's finish. However, I have found that the fence largely hides the covered parking area, and that its appearance in the streetscene is acceptable. Moreover, the newer section of it broadly matches the pre-existing fence, and it will assimilate further into its surroundings as it weathers. That condition is therefore unnecessary.
16. Summing up, the scheme has not harmed the character and appearance of the host property or the area. Consequently, having regard to all other matters raised, including representations in support by Ollerton (and Boughton) Town Council and by a local resident, the appeal is allowed.

Chris Couper

INSPECTOR