



Appeal Decision

Site visit made on 12 July 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2024

Appeal Ref: APP/E2001/D/24/3344760

2A Bempton Lane, Bridlington, East Riding of Yorkshire YO16 7EH

- 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 Jason Scotter against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/00059/PLF.
 - The development proposed is described as the retention of existing fence.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has been undertaken. I am therefore considering the appeal retrospectively.

Main Issue

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

Reasons

4. The appeal property is a two-storey detached dwelling. It is located in a predominantly residential area where there is a range of property designs and sizes. Properties are set back from the highway with front gardens and driveways. Most properties have low front boundary walls, some with hedges above, or just hedges. The lower boundaries give the area an open aspect which positively contributes to its overall character and appearance, whilst those with or incorporating hedges positively contribute to the greenery of the street-scene.
5. Being predominantly formed of solid uPVC panels of 1.8m in height, the boundary treatment at the appeal property is markedly different to those of the surrounding properties. The combination of its height, length and solid appearance results in a dominant feature being created in the street-scene, which, when viewed against the other boundary treatments, appears incongruous and visually discordant.
6. I acknowledge that several of the surrounding properties have hedges to the front that are similar in overall height to the fence installed at the appeal property, and that hedging is also proposed at the appeal property. Such landscape features, however, provide a softer and more natural appearance

that does not have the same harmful impact on the character and appearance of the area as the fence. Whilst there is no land use planning objection to the planting of a hedge, I do not consider that it would overcome the harm that is caused by the fence. Furthermore, being described as 1.4m in height, the upper section of the fence would be clearly visible and given the very narrow strip that would be planted, it is unlikely to provide significant screening in any event.

7. I acknowledge that there are some high boundary treatments in the area, and these are referred to in the appellant's evidence. Although I do not have the full planning background to these examples, they are in the minority and are not of the same length, design or siting as the fence subject to the appeal. I therefore give them limited weight.
8. The development therefore causes significant harm to the character and appearance of the area. It is contrary to Policy ENV1 of the East Riding Local Plan (2016) which requires, amongst other things, that development is of high-quality design having regard to the specific characteristics of the site's wider context and the character of the surrounding area, and that boundary treatments are of an appropriate scale and size, to enhance the setting of buildings, public space and views.
9. It is also contrary to the National Planning Policy Framework (2023) (the Framework) which requires developments to be visually attractive and sympathetic to local character.
10. The Council's reason for refusal refers to the loss of a former hedgerow and thus being contrary to Policy ENV2 in terms of ensuring important hedgerows are retained. The fact is, however, that the hedgerow has been removed and I am not aware of any legislative requirement that the hedge on the appeal site is required to be retained.

Other Matters

11. The appellant outlines how the boundary treatment has been installed in the interests of privacy due to the location of the bus stop. There is however a reasonable separation from the bus shelter, and I observed in the surrounding area that bus stops were located similar distances from residential properties without such boundary treatments being installed. There is limited substantive evidence on this matter that would lead me to conclude in favour of the development that would outweigh the harm I have identified. There are also often other measures that can be used to protect privacy.
12. Reference is also made to noise reduction impacts of the fence. There is however no evidence to suggest that the fence is required as a mitigation measure to ensure that the occupants are not subject to unacceptable levels of noise. I therefore give this limited weight.
13. The appellant refers to neighbours being in support of the fence, although no such representations are before me to consider in the appeal. Similarly, the fact that members of the public may have made positive comments or enquired about the availability of a similar fence, does not lead me to conclude in favour of the appeal.
14. The appellant outlines how they erected the fence following the requirement to remove a previous hedge to accommodate a turning area at the property. It is

not however clear why a fence of this design, height or siting is required to facilitate turning at the property.

Conclusion

15. The development therefore conflicts with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
16. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR