



# Appeal Decision

Site visit made on 3 September 2024

**by M Cryan BA(Hons) DipTP MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 September 2024**

**Appeal Ref: APP/Y2003/D/24/3343966**

**2 Endcliffe Avenue, Yaddlethorpe, Bottesford DN17 2RD**

- 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 Martin Mather against the decision of North Lincolnshire Council.
- The application reference is PA/2023/304.
- The development proposed is the erection of a fence.

## Decision

1. The appeal is allowed and planning permission is granted for the erection of a fence at 2 Endcliffe Avenue, Yaddlethorpe, Bottesford DN17 2RD in accordance with the terms of the application, Ref PA/2023/304, subject to the following condition:
  - 1) The development hereby permitted shall be retained in accordance with the approved drawings:
    - 001-002-0 – 1:250 Site Plan (Dated Apr 2023)
    - 2 Endcliffe Avenue fence drawing

## Procedural Matters

2. The description of development which I have used in the banner heading and my formal decision above is taken from the Council's decision notice and the appeal form. I have used it in preference to the wording on the original planning application form, as it provides a more concise description of the scheme. The fence for which planning permission is sought had already been erected, so I was able to see it in place during my site visit.

## Main Issues

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

## Reasons

4. The appeal property is a two-storey semi-detached house on the south side of Endcliffe Avenue close to its junction with Messingham Road, in a predominantly residential suburban area. It is on a triangular plot with a relatively long frontage to Endcliffe Avenue, and an angled boundary with No 311 Messingham Road at the rear.
5. The shape of the appeal site means that there is only a very small garden at the back of the house; the space at the side effectively therefore serves as the "back" garden. The appellant is seeking permission to retain a timber fence which has been erected at the front of this part of the property, along the

boundary to Endcliffe Avenue. The fence consists of featheredge timber panels approximately 1.2m high. These have been mounted above, and at the rear edge of, the existing low boundary wall to the Endcliffe Avenue footway. The fence has a length of approximately 8.2m; the fence and wall combined have a total height of around 1.9m, although the "real" height above ground level varies a little as the fence and wall are stepped down towards Messingham Road with the slope of the land.

6. There are a range of boundary treatments along Endcliffe Avenue; many houses have low brick walls, sometimes with hedges, though there are also several with low timber fences of various types. Some properties have nothing to mark the boundary, the entire wall or fence having presumably been totally removed to allow the entire front forecourt to be used for car parking. The generally low (or absent) boundaries give Endcliffe Avenue an open character; front gardens are very much part of, rather than hidden from, the streetscene. There are higher fences to the side and rear of some properties on Messingham road, though that is a wider and busier thoroughfare with a different character to Endcliffe Avenue.
7. The fence which has been erected at No 2 is undoubtedly visually distinct from the other boundary treatments along Endcliffe Avenue, mainly because of its height. However, I do not consider that it has caused harm to the character or appearance of the area. Firstly, the height of the fence is consistent with the hedge boundaries of No 1 Endcliffe Avenue and No 311 Messingham Road which set the character of the entrance to Endcliffe Avenue from Messingham Road. While the hedges are undoubtedly "softer" in appearance than the timber panels, seen in context the fence is not dominant because of its height, or otherwise incongruous because of its materials. Secondly, the fence sits behind the retained low boundary wall which breaks up its elevation to the street; this prevents its form being unduly harsh or intrusive. Finally, the fence does not extend along the appeal property's entire frontage to Endcliffe Avenue, but only the part bounding the side garden space; the "front" garden retains the openness characteristic of the street as a whole.
8. The appellant's statement emphasised the safety and privacy which he considers have been improved as a result of the fence having been installed. That may of course be so, and I am not unsympathetic towards those arguments, but they have in fact had very little bearing on my decision. Had I found the fence to have caused significant harm to the prevailing character of the area, it is unlikely that this would have been outweighed by the perceived privacy and security benefits which were put to me. I have found the fence to be acceptable in its own right, having had regard to the particular circumstances of the site.
9. Had the appeal property been towards the centre of the street rather than on a corner plot, or had the fence been installed along the full length of No 2's street frontage rather than just the visually-distinct "side garden", it is possible that I would also have reached an entirely different conclusion on its impact. I have therefore given little weight to the suggestion put forward by the Council that the scheme "would set an unacceptable precedent for others to follow". Again, I have determined the appeal with regard to the specific details of the appeal site and the planning merits of the scheme before me. If other ostensibly similar proposals were to come forward nearby it would be for the Council to

take the same approach; my decision here does not bind them to approve an unacceptably harmful scheme elsewhere.

10. I conclude that the fence has not caused unacceptable harm to the character or appearance of the area. The development therefore complies with Policy DS1 of the 2003 North Lincolnshire Local Plan, and with Policy CS5 of the 2011 North Lincolnshire Core Strategy. Together these policies seek a high standard of design and, among other things, require that the design and external appearance of development should reflect or enhance the character, appearance and setting of the immediate area.

### **Condition**

11. The Council did not suggest any conditions in the event of my allowing the appeal. As the development has already been carried out, the otherwise standard condition setting a time limit for commencement is not necessary. However, a condition specifying that the development be retained in accordance with the submitted plans is necessary in the interests of certainty, and to protect the character and appearance of the area.

### **Conclusion**

12. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

*M Cryan*

Inspector