



Appeal Decision

Site visit made on 30 July 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/R3515/D/24/3336995

2 Wimborne Avenue, Ipswich, Suffolk, IP3 8QW

- 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 Craig Tournay-Godfrey against the decision of Ipswich Borough Council.
 - The application Ref. is IP/23/00831/FUL.
 - The development proposed is replacement and re-location of existing 2m high boundary fence 0.8m towards adjacent highway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading has been taken from the Council's decision notice. Whilst normally this would be taken from the original application form, I have used this more succinct version.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the street scene and the wider area.

Reasons

4. The appeal property is a dwelling located at the junction of Wimborne Avenue and Bodiam Road, within the wider Broke Hall estate. The area displays a sense of openness derived mostly from the open front gardens but also the wide footpaths. The position and form of side boundaries of dwellings on corner plots varies, with many enclosures set back from the roadside behind a verge. The depth and treatment of these verges also differs, with some being quite deep and planted. Some are narrow strips of grass, weeds or hard surfacing.
5. The Council's published Ipswich Urban Characterisation Study (IUCS) identifies the appeal site as being within The Heaths sub area of the North East Character Area. The IUCS notes that the spacing of properties within the Broke Hall estate is generous, with properties set back by well-maintained front gardens. I accept that there is no mention of side spacing as an original part of the estate

design. Nevertheless, many corner plots are set back from the footway and contribute to this generous spacing.

6. In this context, the position of side boundary fences, walls and hedging set back from the footway is part of this positive character and appearance of the area. I appreciate that it is difficult to control public use of the appeal verge, and that it requires maintenance. However, the siting of a replacement fence next to the footway would erode the openness in this part of the street scene. This would conflict with Policy DM12 of the Ipswich Core Strategy and Policies Development Plan Document Review 2022 (CS), which amongst other criteria requires proposals to help to reinforce the attractive physical characteristics of local neighbourhoods and the visual appearance of the immediate street scene. This policy does not only apply to the principle to new housing developments, as suggested by the appellant, and is relevant to all new development.
7. The appellant has drawn attention to many examples of boundary enclosures sited close to the path and/or road, and I saw these at the appeal site visit. However, from my observations, it was also apparent that many properties retain landscaped planting strips to the side. As such, the siting of enclosures next to the footpath boundary is not the prevailing pattern in the area. The retained verges generally make a positive contribution to the character and appearance of the estate, in contrast to some of the less sensitive examples cited by the appellant. In the absence of details of planning permissions granted for these developments, and the reasoning behind those permissions, they offer only limited weight to this proposal.
8. The appellant has supplied a copy of the deeds to his property, advising that there are no covenants which relate to fencing to side boundaries. However, these legal provisions are separate to, and do not override, any planning requirements.
9. I am mindful that the highway authority raised no objection to the proposal on highway safety grounds. However, this is only one aspect to be considered and does not address my previous findings.
10. The proposal would enhance the garden space for the appellant and his family, but this benefit would not outweigh the visual harm that would arise. This would not be mitigated by quality fencing materials.
11. The appellant advises that a 1 metre high fence could be constructed as Permitted Development. However, whilst this may be the case, the construction of a 2m high fence in the same location would have a greater visual impact in the street scene. As such, the provision of lower fencing at the boundary does not offer a fallback that would warrant acceptance of the appeal scheme.
12. I therefore conclude that the proposal would detract from the character and appearance of the street scene and wider area, contrary to CS Policy DM12, and CS Policy DM16, insofar as it requires ancillary development¹ within the curtilage of dwellings to respect and preserve the established townscape of the surrounding area. It would also conflict with the design objective in the National Planning Policy Framework, for developments to be sympathetic to local character, including the surrounding built environment and landscape setting.

¹ And in view of the definition of a "building" in the Town and Country Planning Act 1990 (as amended), as including any structure or erection.

Other Matters

13. I note the appellant's comments about the processing of the application, but such matters cannot be explored in a Section 78 planning appeal, and I have considered the appeal on its planning merits.

Conclusion

14. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR