



Appeal Decision

Site visit made on 15 October 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal Ref: APP/F1040/W/24/3346615

31 Beaufort Road, Stenson Fields, Derby, Derbyshire DE24 3BA

- 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 T Gill against the decision of South Derbyshire District Council.
 - The application Ref is DMPA/2024/0148.
 - The development is for the erection of a 2m high fence and change of use from incidental public open space to residential use at 31 Beaufort Road, Stenson Fields, Derby, DE24 3BA.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2m high fence and change of use from incidental public open space to residential use at 31 Beaufort Road, Stenson Fields, Derby, Derbyshire DE24 3BA in accordance with the terms of the application, Ref DMPA/2024/0148, and the plans submitted with it.

Preliminary Matters

2. I have used the revised description of the development from the decision notice and the appeal form in the above banner header and my formal decision as this accurately describes the scheme. I have also removed references not relevant to the act of development, namely its retrospective nature.
3. I observed during my site visit that the development was completed. I have determined the appeal on this basis.

Main Issue

4. The main issue raised by this appeal is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site occupies a corner plot position at the junction of Beaufort Road and Portman Chase, within a residential area. The area is primarily characterised by two storey properties and dormer style bungalows with front and rear gardens.
6. Many of the existing properties along Beaufort Road and the surrounding streets have open front gardens and / or parking areas. However, corner plots in the surrounding area have timber fences on the side boundaries, located up to the back of the pavement.

7. Policy BNE1 of the South Derbyshire Local Plan Part 1 (LPP1), amongst other things, requires new development to be visually appropriate and achieve continuity within the street scene. In addition, Policy H27 of the South Derbyshire Local Plan Part 2 (LPP2) expects boundary treatments to be of a scale and character in keeping with the property.
8. The appeal fence has a traditional timber appearance which extends to the side of the property and significantly along Portman Chase. As a result, it is a highly prominent structure within the street scene which is visible from various vantage points within the locality. However, there are numerous examples of other similar fences which have been erected on the side boundaries of properties that occupy corner plot positions in the immediate and wider locality of the appeal site, including 33 Beaufort Road. As a consequence, there are very few instances where incidental open space remains to the side of existing residential dwellings.
9. The existing fences appear to have been in place for some time and they are now an established part of the character of the area. Within this context the loss of green space is not harmful to the character and appearance of the street scene. Likewise, the appearance of the fence and its prominent position is not stark within its surroundings.
10. Furthermore, the appeal fence does not project forward of the front of the house. As a result, the open appearance at the front of the property would be retained, which is reflective of the prevailing character within the street scene and wider residential estate.
11. The Council has suggested a condition for the submission and approval of a soft landscaping scheme for the site in the interests of the visual setting of the development and the surrounding area. However, it is not clear on the evidence before me where planting could be proposed to achieve its intended purpose. Therefore, in accordance with the national Planning Practice Guidance (PPG), it would not be reasonable or necessary.
12. For the above reasons, I conclude that the development is not unacceptably harmful to the character and appearance of the area. Therefore, it complies with the requirements of Policy BNE1 of the LPP1 and Policy H27 of the LPP2.

Other Matters

13. Stenson Fields Parish Council has raised concerns about whether the fence obstructs the view of oncoming traffic. Nonetheless, the Council and the relevant highway authority have raised no objection and I have no reason to take a different view. Land ownership concerns are also cited but these are a private matter and fall outside of the scope of this appeal.

Conditions

14. I have had regard to conditions suggested by the Council, as well as to the Framework and PPG. As the development has been completed, it is not necessary to impose the standard time limit for commencement, neither is it necessary to require that it be carried out in accordance with any plans.

Conclusion

15. The development accords with the development plan, and there are no material considerations to lead me to determine the appeal other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal is allowed.

N Bromley

INSPECTOR