



Appeal Decision

Site visit made on 22 November 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2024

Appeal Ref: APP/X3540/D/24/3341231

1 Gainsborough Drive, Lowestoft, Suffolk NR32 4LX

- 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 Christopher Casey against the decision of East Suffolk Council.
 - The application Ref is DC/23/4533/FUL.
 - The development is erection of boundary fencing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, a revised version of the National Planning Policy Framework (the Framework) was published. I have had regard to the revised Framework in so far as it is relevant to this appeal.
3. The boundary fencing is already in place at the appeal site. Consequently, the Council determined the planning application on a retrospective basis, and I have treated the appeal in the same way. However, in the description of development in the banner heading above, I have omitted the retrospective reference as it does not form an act of development.

Main Issue

4. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

5. The appeal site, No 1 Gainsborough Drive (No 1), is prominently located at the junction of Gainsborough Drive and Gunton Church Lane, and it is within an area which is predominantly residential in character. The surroundings of the appeal site are verdant, and this positively contributes to the character and appearance of the area and adds to the area's distinctiveness. This is particularly appreciable when travelling along Gunton Church Lane in close proximity to the appeal site where the presence of the likes of the lane's street trees, wide verges, open spaces and spacious front gardens, generally with low-level means of enclosure, are experienced in combination.
6. The erected boundary fencing is of quite considerable height, and it is of the close-boarded type. Positioned along No 1's boundary with Gunton Church Lane, and part of the property's boundary with Gainsborough Drive, the fencing erected is extensive, especially so the stretch beside Gunton Church Lane. As a result of this design, the boundary fencing has created a significant

sense of enclosure to No 1's plot, and it has formed a strident and stark feature within the street scene. This is particularly the case when it is viewed from Gunton Church Lane whereupon the fencing's appearance, and its enclosing effect, contrasts with the street scene's verdant characteristics and with the generally lower and more modest boundary enclosures which prevail here. These effects upon the character and appearance of the area are harmful.

7. The appellant submits to me his willingness to make some amendments to the fencing's panels and colour finish. However, the precise details of these amendments are not before me and, moreover, such alterations would not adequately address or mitigate the effects which arise from the development's enclosing impact which is harmfully at odds with the area's distinctive qualities of openness and leafiness. The appellant also submits to me that the boundary fencing could be lowered to 1 metre in height. However, this would constitute a substantial change to, and evolution of, the appeal scheme which is before me. As such, it would be inappropriate of me impose a condition requiring such an amendment.
8. For the above reasons, the development has resulted in unacceptably harmful effects upon the character and appearance of the area. Consequently, the development conflicts with Policy WLP8.29 of the Waveney Local Plan. In summary, and amongst other matters, this policy requires development to demonstrate a high-quality design which responds to local context and complements local character and distinctiveness.

Other Matters

9. The appellant indicates to me that, as a result of the development, weeds, which used to grow in the area and which caused damage to the pavement, have been removed. However, the evidence before me that this has been the case is not compelling and, furthermore, I consider it very likely that there would have been other means, aside from the erected fencing, to have addressed any problematic weeds. This is, therefore, a matter of limited weight in my decision.
10. The effects of the erected fencing upon driver visibility and, thereby, highway safety may be acceptable, however, an absence of harm in relation to this matter is a neutral factor in my decision, and it does not outweigh the harm I have identified in my main issue.
11. The appellant may have received some incorrect advice that planning permission would not be required for the fencing from its installer. However, I have no reason to conclude that planning permission is not required and, within the context of an appeal under section 78 of the Town and Country Planning Act 1990, I must consider the development the subject of the appeal before me as a whole and on its own merits. Therefore, the advice given, though unfortunate, has no meaningful bearing upon my decision.
12. Lowestoft Town Council has lent its support to the development, I have no public representations of objection before me, and the appellant sets out that he has received some positive feedback from neighbours regarding the development. However, these factors do not in themselves render the scheme appropriate nor overcome my concerns set out in the main issue.

Conclusion

13. The development conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR