



Appeal Decision

Site visit made on 26 January 2025

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/K0235/D/24/3349326

24 Marsh Lane, Milton Ernest, Bedfordshire MK44 1RB.

- 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 Symbiosis Care Ltd against the decision of Bedford Borough Council.
 - The application Ref is 23/00087/S73A.
 - The development is erection of 1.8m high, 11m long section of front facing boundary fence with concrete posts & shiplap timber panels.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already taken place. I have not used the term 'retrospective' in the banner heading as it is not part of the description of development.

Main Issue

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

Reasons

4. Located within the village of Milton Ernest north of Bedford, Marsh Lane is a short road which joins Thurleigh Road and Starey Close. Close to the junction with Starey Close, the single-storey detached house at 24 Marsh Lane is set back from the street behind a front garden and access drive. Beyond the appeal property at No 24, 26 Marsh Lane adjoins the open countryside surrounding the village.
5. The houses on Marsh Lane, Thurleigh Road and Starey Close vary in architectural style, age, height, and layout. The single-storey houses at 2 - 22 Marsh Lane are set in terraces in an L-shape around an open, green space. The rear gardens of 18 – 22 Marsh Lane adjoin No 24's side boundary and access drive. Remaining houses on Marsh Lane, Starey Close and the nearest part of Thurleigh Road are mostly detached properties. The boundary treatments to the houses on the three streets include fencing, low and high brick walls, low stone walls, and hedging.
6. The development consists of an approximately 1.8 metre high fence with concrete posts and shiplap timber panels. The fence runs along the boundary of the front garden at No 24 and along the side of the access drive. The planning application and appeal only address the 11 metre long section of fencing along the site's frontage which replaced established hedging. I understand that when the planning application was submitted, the fence along the site's frontage had been painted

grey, with the fencing along the access drive light brown. However, by the time of the site visit, the fencing along both the front and the access drive was dark brown.

7. The appellant has referred to boundary treatments at the front, side and rear of other residential properties on Thurleigh Road, Starey Close, and Marsh Lane. Notwithstanding the different boundary treatments at nearby properties, the development is the only tall timber fencing screening the majority of the frontage of a front garden in an area where rear gardens and side gardens are more frequently screened by timber fencing or brick walls. The other boundary treatments are therefore not directly comparable to this development.
8. In addition to not being in keeping with the local boundary treatments to nearby front gardens, the development is unduly prominent in the streetscene due to its position, height, length, and colour. The sense of enclosure provided to the front garden is also out of character with its surroundings and renders it intimidating and dominant. This is harmful to the character and appearance of the area.
9. While the site is not in a conservation area and is unlisted, this does not indicate that the development is suitable for its location. Although the appellant asserts that the fence is required for privacy and security, the house is set back sufficiently behind its ample front garden to retain privacy on what is a very short stretch of road with a limited number of neighbouring properties. No rationale has been provided by the appellant with regard to security. As such, these matters do not overcome the harm that I have found in respect of character and appearance.
10. The planning application was submitted in January 2023 and determined by the Council in June 2024. The time taken to reach a decision on the planning application is a matter for the appellant to take up with the Council.
11. In conclusion, the development has a harmful effect on the character and appearance of the area. Consequently, it conflicts with Policies 28S, 29, and 30 of the Bedford Borough Council Local Plan 2030 (BBCLP) and Policy ME C2 of the Milton Ernest Neighbourhood Plan (made in November 2021). These policies deal with place-making, design quality, character and local distinctiveness. As BBCLP Policy 32 addresses disturbance and pollution impacts of development, it is not clear how this is relevant to the development before me.

Conclusion

12. For the reasons given above, the appeal should be dismissed.

Joanna Gilbert

INSPECTOR