
Appeal Decision

Site visit made on 21 January 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 FEBRUARY 2025

Appeal Ref: APP/X1925/W/24/3349995

70 Cleveland Way, Great Ashby, Stevenage, Hertfordshire SG1 6BZ

- 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 Moise Turkson against the decision of North Herts Council.
 - The application Ref is 24/00953/FP.
 - The development proposed is described as demolition of existing low timber and high brick wall to be replaced by a single high timber fence rebuilt at the correct site boundary. Change of use from street landscaping to residential garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form, but I have removed wording which is not an act of development.
3. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. I have, however, determined the appeal having regard to the revised Framework.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal property is a two-storey dwelling which occupies a prominent corner plot within Cleveland Way. The property's side boundary treatment as seen from Cleveland Way consists of a tall brick wall which is set back from the road. A low height close boarded fence has been installed on the outside of the brick wall, on the narrow strip of land between the highway and the brick wall.
6. Cleveland Way has an undulating layout and the properties within the road have shallow frontages which contain soft landscaping. The corner plots generally have a strip of vegetation next to their side boundaries. The gaps between buildings are limited and the development has a tight urban feel to it. The landscaped front gardens and planted strips assist in softening the built form and make a positive contribution to the attractiveness of the street scene and to the appearance of the estate.

7. The proposed fence would enclose most of the small landscape strip near the existing brick wall. Given the layout of the estate, this planned landscape strip is not underutilised and has an effective use, since it makes an important contribution to the character of the area. Notwithstanding its appropriate materials, due to its scale and siting so close to the highway, the fence would result in the loss of a great proportion of this important space around the property, thereby appearing as a prominent enclosure to the property that would be uncharacteristic of its surroundings. As such, the proposal would cause significant harm to the character of the area and would appear markedly at odds with the planned housing estate in this location, thereby failing to achieve a well-designed place.
8. The proposal would occupy a similar position as the existing fence. However, given its low height, it has a more limited presence within the street scene and it maintains a sense of space around the property. While the taller brick wall would be demolished, this is set further back from the road, so the siting of the proposed fence closer to the highway would result in a more prominent structure within the street scene that would appear incongruous. As such, these matters would not suitably justify the proposed development.
9. Reference is made to the fence at 22 Cleveland Way. However, this is situated within the garden of this property, behind the brick wall that forms the side boundary of this property with the road. As such, I do not find that this example would be comparable with the scheme before me.
10. Whilst there are other examples of tall wooden fences elsewhere on the estate these are very few and far between. Further, I do not have full details of the circumstances that led to these proposals being accepted. Consequently, I cannot conclude that they represent a direct parallel to the appeal proposal, including in respect of development plan policy. Nevertheless, I have come to my decision based on the circumstances of the appeal site and the details of the development in this case.
11. Therefore, the proposal would be harmful to the character and appearance of the area. It would conflict with Policy D1 of the North Hertfordshire Local Plan 2011 – 2031, which supports development that responds positively to the site's local context.

Other Matters

12. Given the presence of a taller brick wall enclosing the dwelling's rear garden, I am not persuaded that the proposed fence would substantially improve the privacy and security of this residential dwelling. Similarly, I remain to be convinced that the appeal scheme is the only means to ensure that the space remains tidy. Further, even if I were to accept that the strip of land is part of the residential curtilage of the dwelling, it would not justify the proposed development which for the reasons set out above is harmful to the character of the area.
13. The absence of harm in respect of other considerations, including the effect of the proposal on the living conditions of adjoining neighbours and highway safety, are neutral matters, that neither weigh for or against the appeal scheme.
14. The proposal would improve the appellant's enjoyment of their garden and would be more manageable to maintain. However, these benefits would be insufficient to overcome the identified harm to the character and appearance of the area.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR