



Appeal Decision

Site visit made on 23 March 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/C1055/D/24/3358194
299 Sinfin Lane Derby DE24 9GP

- 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 Andrei Bodea against the decision of Derby City Council.
 - The application Ref is 24/01243/FUL.
 - The development proposed is erection of a 1.90m high boundary fence and 1.60m high gates.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, I saw that the development was in situ. The application has been submitted retrospectively; I have dealt with the appeal on this basis.
3. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
4. Since the submission of the appeal the National Planning Policy Framework (2023) has been superseded by the National Planning Policy Framework (2024) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issue

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

Reasons

6. The appeal site is located in a mixed-use area with residential properties adjacent and commercial units opposite. The appeals site is located on the junction of Sinfin Lane and Shakespear Street and has a large frontage which is highly visible on this corner plot.
7. Boundary treatments in the locality vary and whilst I observed a high fence in the immediate area during my site visit this form of boundary treatment is not a common feature.

8. The height of the fence and gates on a prominent corner is stark in the context of the streetscene, due to the positioning, materials and height. I find that the proposed development harms the character and appearance of the area.
9. Whilst the fence and gates offer a degree of privacy and security for occupiers of the site, this does not outweigh the harm I have found to the character and appearance of the area
10. There is conflict with saved Policies CP3 and CP4 of the Derby City Local Plan Part 1: Core Strategy (2017) and Policy GD5 of the Derby City Local Plan Review (2006) which seek amongst other things to ensure developments are well designed responding to their context.
11. There is also conflict with the Framework which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings.

Conclusion

12. For the above reasons I conclude that this appeal should be dismissed.

Chris Pipe

INSPECTOR