



Appeal Decision

Site visit made on 7 January 2025 by A Khan BSc (Hons) MA MSc

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/T3725/D/24/3355055

43 Coriolanus Square, Warwick Gates, Warwick, Warwickshire CV34 6GR

- 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 Jagdeep Sharma (Finance Company) against the decision of Warwick District Council.
 - The application Ref is W/24/0923.
 - The development proposed is erection of a 1.27m high fence to front boundary.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The original application was submitted on a retrospective basis. I am satisfied that the submitted plans accurately depict the development that has been carried out. Therefore, I have considered the appeal based on the plans before me, which seek to retain the development.
4. The description of the development, as provided in the application form, has been revised in subsequent documentation. I have referenced the description included in the Council's Decision Notice, as it conveys the proposal accurately and succinctly. However, I have excluded the terms 'retrospective application,' as this does not constitute a form of development.
5. The National Planning Policy Framework (Framework) was revised during the life of the appeal. The substantive elements thereof as they relate to the appeal scheme have not changed. I am therefore satisfied that there is no need to seek the views of the main parties.

Main Issue

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

Reasons for the Recommendation

7. The appeal scheme lies within a quiet, residential estate. The predominant architectural style consists of a mix of detached and semi-detached red brick

dwelling, featuring open frontages that accommodate driveways and various landscaping elements. The close proximity of dwellings enhances the prominence of the open front spaces, which serve as a defining feature of the street scene. Collectively, these characteristics contribute to the area's open, suburban character and appearance.

8. The current fencing development encircles the majority of the front boundary of the appeal site. While it occupies a similar position to the fencing erected in 2015, it significantly differs in terms of height, design, and materiality. The proposed development is markedly taller than and thus contrasts with the open frontages typical of the area. The design comprises three distinct horizontal layers: a solid concrete base, wooden panels and an upper wooden trellis layer, segmented by vertical concrete posts. Although the trellis layer offers a semi-permeable aspect, the lower two layers are entirely solid. Given the development's considerable width and height, it effectively encloses the host property's frontage from public view, thereby disrupting the openness of the estate and adversely affecting the character and appearance of the area.
9. The development introduces a boundary treatment design that is not present in the surrounding area. Furthermore, the choice of timber and concrete materials, along with their associated colours, fails to complement the existing aesthetic of the estate and does not align with the character of the host property.
10. Consequently, the development detracts from the character and appearance of the area. The development is therefore in conflict with Policy BE1 of the Warwick District Local Plan 2011 – 2029 [Adopted September 2017] and Section 4 of the Warwick District Council Residential Design Guide Supplementary Planning Document [May 2018], which outline the standards necessary for achieving good layout and design. Additionally, the development is in conflict with the design principles of Policy W4 of the Whitnash Neighbourhood Development Plan 2011 – 2029 [Adopted 27 January 2016]. Finally, the proposal is in conflict with Paragraph 139 of the Framework, which notably stipulates that developments failing to reflect local design policies should be refused.

Other Matters

11. The appellant has presented evidence from the Council concerning the enforcement officer's opinion on the planning application related to this appeal. Whilst I understand the appellant's frustration, any view that would have been expressed by the enforcement officer would not have fettered the Council's ultimate responsibility to consider and determine the planning application on its individual merits. For this reason, this letter is of limited relevance to this appeal and is subsequently ascribed little weight.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Edwards

INSPECTOR