



Appeal Decision

Site visit made on 9 April 2025

by **Sarah Colebourne MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/V0510/D/25/3360450

28 Canute Crescent, Ely, CB6 1BU

- 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 Michael Leddy against the decision of East Cambridgeshire District Council.
 - The application Ref is 24/01007/FUL.
 - The development proposed is the erection of a fence.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the street scene and the area.

Reasons

3. 28 Canute Crescent is a detached bungalow which occupies a corner position with frontages onto Lynn Road and Kings Avenue. It has gardens behind tall hedging of some 2.5m along those frontages with vehicular access at the rear from Canute Crescent and pedestrian access from Kings Avenue. There is an area of decking on part of the rear drive that provides a private sitting out area.
4. The proposed timber fence would be some 1.83m high and would be sited along part of the Lynn Road frontage adjoining a grass verge for a length of 6m in line with an existing boundary wall and along the whole 41m of the Kings Ave frontage adjoining the footway with a gate in the centre. Although the planning officer's report refers to the removal of trees, the application states that the proposal does not involve the removal of trees or hedges and the appellant's statement confirms that. The fence would be sited on the outside of, and would enclose, the retained vegetation on both boundaries.
5. Lynn Road is a busy arterial route through a residential area of Ely. In the vicinity of the appeal site, dwellings on Lynn Road are set back behind grass verges and on this side of the road are mainly bounded by a continuous brick wall of around 2m in height, some with smaller sections of trellis or fencing above. The wall has decorative courses and panels and provides some interest in the street scene. Its brick materials give it an air of solidity and its set back behind a grass verge together with the width of the highway prevent it from appearing overly dominant in the street scene. As such, it contributes positively to the character of the area.

6. Kings Avenue is a busy road that provides access for residents, HGV's and buses through a residential estate and off which there are a number of culs-de-sac. Within the vicinity of the appeal site, most of the dwellings along Kings Avenue have side or rear boundaries facing the highway. Most of those boundaries are formed of walls or hedges of around 2m high, some adjoining the footway whilst others are set back behind grass verges. The walls generally reflect the brickwork of the houses within the estate and have a permanence which adds to the character of the area. The hedges provide greenery and a softness which also enhances the character of the area.
7. There are some examples of fencing, including those bounding the Bishop Laney Drive properties for some 40m and those bounding the Gilbert Scott Drive properties for some 100m or so. However, those generally make little contribution to the character of the area and in some cases detract from the street scene due to their insubstantial materials and the lack of greenery. I have noted that one of those at 8 Bishop Laney Drive was granted planning permission in 2015 but that was some years ago and since then national policy in the National Planning Policy Framework has increased the emphasis on high quality design.
8. In any case, the appeal site has a somewhat different context because it occupies a very prominent position. The existing high hedge along the appeal site, together with the high hedge on the opposite corner of Kings Avenue forms an attractive entrance to the estate. The existing planting at the appeal site extends up to the footway and it is difficult to see how the planting could be retained and allow space for the erection of a fence. Even if that were the case, the proposed fence would obscure much of the planting. The considerable length of the fence, together with its materials, would detract significantly from, and would fail to enhance, the character and appearance of the street scene. Even the relatively short section on Lynn Road would, by reason of its materials, be at odds with the predominant brick walls along frontages on the eastern side of the road.
9. I disagree with the appellant's assertion that the Lynn Road part of the proposal, if considered by itself, would likely be permitted development under Schedule 2 Part 2 Class A of the General Permitted Development Order, through which permission is granted for the erection of a gate fence up to 2m above ground level where not adjacent to a public highway. It is likely that the grass verge forms part of the highway and the fence would reasonably be perceived as defining the boundary between the property and the highway.
10. The appellant says that the appeal site is the only property in the area without a solid boundary around its garden and that the fence is sought for amenity (privacy and noise mitigation) and safety and security purposes. I saw at my visit that despite some gaps in the existing hedge, it provides a good level of privacy and I also noted that there is a high brick wall and metal gates sited within the front garden that provides a good level of privacy, noise mitigation and safety and security to that area of garden. Whilst the fence would provide some additional protection, I am not persuaded that it is necessary or that the levels of privacy, noise and safety and security are significantly worse than those normally found in residential area. Moreover, it seems to me that those matters could be addressed through other less impactful means such as additional planting, gates or fences within the plot or security cameras. Those matters do not, therefore, outweigh the significant harm that would be caused by this proposal.

11. I have noted that the appellant has proposed an amendment to the plans for close boarded fencing to meet the Council's Tree Officer's requirements in regards to the mature ash tree in the front garden protected by a Tree Preservation Order but the Council has not objected in those terms and as the harm I have found is sufficient to justify a dismissal, I have not dealt with that matter in this appeal.
12. I conclude then that, by reason of its length and materials, the proposed fence would significantly harm the character and appearance of the street scene and the area. As such, it would be contrary to development plan policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 (as amended 2023) which seek to ensure that new development creates positive relationships with existing development, is of a high quality and enhances local distinctiveness.

Conclusion

13. For the reasons given above, I conclude that the proposal would be contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

INSPECTOR