



Appeal Decision

Site visit made on 9 September 2025

by **Sarah Colebourne MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/X3025/D/25/3370807

2 Boswell Close, Mansfield, Nottinghamshire, NG18 4BZ

- 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 Miss Kelly Randle against the decision of Mansfield District Council.
 - The application Ref is 2025/0175/HHA.
 - The development proposed is to erect new fencing around edge of boundary to rear and side of house alongside Johnson Drive.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:
 - the character and appearance of the street scene;
 - highway safety in regards to visibility for drivers, pedestrians and other road users.

Reasons

Character and appearance

3. The appeal site comprises a detached house on a prominent corner plot at the junction of Boswell Close and Johnson Drive. It is located within a small housing estate of similar properties that appear to have been built in the 1980's/1990's with several short culs-de-sac, including Boswell Close, leading off Johnson Drive, itself a longer cul-de-sac. Dwellings are generally set back from the road with front boundaries that are open plan or with low to medium height planting. However there are exceptions, in particular on corner plots where the rear garden has a frontage onto Johnson Drive. Some of those plots, including the appeal site, were built with high brick walls that reflect the brickwork of the dwellings and include decorative detail. Those walls have a sense of solidity and their quality materials and design add some interest and variety to the street scene and make a positive contribution to its character and appearance. Even where fence panels are incorporated within a wall, such as at 13 Johnson Drive, the boundary retains a solid appearance due to the substantial brick base and ratio of wall to fence. By contrast, other corner plots have sections of continuous fencing on the boundary with Johnson Drive which have a less substantial quality and contribute little to the street scene.

4. The existing wall at the appeal site commences at the rear elevation of the dwelling and continues along the length of the rear garden before turning 45° and continuing along the rear boundary where it adjoins 15 Johnson Drive. It is set back from the back edge of the footway with an intervening strip of grass which adds some greenery and softness in the street scene, contributing to its suburban character. The proposed fence would replace that but would extend from a position much closer to the front elevation and would be set forward of the existing boundary wall by 3m to abut the back edge of the footway and enclose the existing grass strip within the rear garden. The proposed materials would be fence panels on top of concrete gravel boards positioned between concrete posts with a height of 1.83m. No details have been provided of the fence panels but whatever their design, the extent of the fencing would result in a boundary treatment with an insubstantial character. The concrete posts and gravel boards are a poor quality material that would fail to reflect the materials of the dwelling.
5. As such, the proposal would not represent an improvement in the street scene and would detract significantly from it by reason of the loss of the existing greenery and the high quality boundary wall. The impact would be exacerbated by the poor quality materials proposed and by the significant length, over 13m, of the fencing. I have noted the appellant's revised plan submitted with the appeal that indicates a shorter length of fencing but am unable to consider that in the appeal as the Council has not had the opportunity to comment on it.
6. I have noted the appellant's photos which show a small crack in one part of the wall and metal ties where the wall adjoins the dwelling. Although the appellant says that the wall is in a poor state of repair and requires demolition because attempts to remedy this have been unsuccessful with continuing movement, I am not persuaded that it cannot be repaired or that there are no other alternative boundary treatments that would be more appropriate for this prominent site. The appellant claims that the grass between the footway and the wall requires a lot of maintenance but that matter does not outweigh the harm that would be caused by this proposal or provide justification for the fence.
7. Therefore, I find that the proposed development, by reason of its siting, design and materials, would significantly harm the character and appearance of the street scene and would be contrary to development plan policies P1, P2 and P6 of the Mansfield District Local Plan 2013-2033 (2020) which together seek to ensure that development is well designed.

Highway safety

8. Although the highways authority did not raise a formal objection to the proposal, it queried whether the proposal would affect visibility from the junction with Boswell Close and from the drive of 15 Johnson Drive which is sited adjacent to the rear boundary of the appeal site.
9. From the junction with Boswell Close, there is already reduced visibility to the left along Johnson Drive resulting from a conifer tree planted within the site and adjacent to the footway. The proposal would not materially worsen this situation. Neither would the visibility on the approach down Boswell Close to the junction be significantly affected by the proposed fencing due to its set back from the front elevation of the appeal dwelling. As such and given the low volume of traffic and low speeds that I noted during my visit on this no through route that serves only

residential properties, the proposal would not result in significant harm to visibility at the Boswell Close junction.

10. In regards to visibility from the drive of the adjacent property at 15 Johnson Drive, the boundary between the appeal site and no 15 is angled at 45° and there is an area of splayed land within the ownership of that property. That would mean that when drivers were emerging from there, they would have sufficient visibility to the right along Johnson Drive of approaching pedestrians.
11. However, Johnson Drive is a gently curving cul-de-sac and is not a straight road as the appellant claims. When emerging from the drive of no 15 at present, drivers turning right in the direction of the estate's exit are able to see around the curve for the length of the appeal site as far as the conifer tree referred to above. The proposal would change that by bringing the boundary forward by 3m and the proposed fence would obscure the view around the curve. Whilst the splayed land would allow some view of approaching vehicles from the right, that would only be for a few metres and this would fall significantly short of what is acceptable in this context. This differs materially from the example given by the appellant of the property at 12 Johnson Drive on the opposite side of a road which, although it has a drive adjacent to the wall of an electricity substation, has a clear view for a much greater distance of vehicles approaching from the right.
12. I conclude then that the proposed development would result in a significant danger to highway safety for drivers and other road users in regard to visibility from 15 Johnson Drive and would conflict with development plan policy IN9 in the Local Plan which seeks to ensure that proposals do not endanger highway safety.

Conclusion

13. For the reasons given above, I conclude that the proposed development 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