



Appeal Decision

Site visit made on 7 October 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 JANUARY 2026

Appeal Ref: APP/B1930/D/25/3370244

27 Tillage Close, Tyttenhanger, St Albans, Hertfordshire AL4 0FN

- 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 & Mrs R Cleal against the decision of St Albans City Council.
 - The application Ref is 5/2025/0090.
 - The development proposed is to remove 15 year old side boundary 1.8m c/b wooded fence and erect new 1.8m c/b wooden fence $\pm 2.0\text{m}$ closer to side boundary on residential curtilage land. Transplant existing Privet hedgerow in the gap between the new fence location and pavement, as per that of the adjoining 3 properties to maintain the street scene.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr & Mrs R Cleal against St Albans City Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development on the application form included a reference to written permission from Taylor Wimpey. As this is not a term of development and in the interests of conciseness, I have removed this reference from the description of development in the banner heading above.
4. The Council asserts that the planning application does not meet the definition of a householder application, yet it still validated and decided the application. It is not disputed that the land in question is within the ownership of the appellant. However, land ownership is only one factor when assessing whether land is within the residential curtilage. The use of the land and its relationship with the dwellinghouse is also a factor.
5. In this case, the land comprises of a strip of grass and a hedge. The land is outside of the existing garden boundary treatment however the hedge has been attractively maintained and is directly adjacent to the elevation of the dwelling which includes its entrance door. The evidence before me does not conclusively demonstrate whether the land in question is amenity or garden land or whether the proposal includes a material change of use.
6. Notwithstanding this, I note that the description of development on the application form does not refer to a material change of use. Regardless of whether the land is amenity or garden land, the fence itself would require planning permission. I shall therefore proceed with the appeal on this basis and consider the planning merits of

the proposed fence. For the reasons given above, I am satisfied that neither party would be prejudiced by this approach.

Main Issue

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

Reasons

8. The appeal site comprises an end-of-terrace dwelling on a corner plot on Tillage Close, with the side boundary adjacent to a public footpath. The street is part of a housing estate that consists of dwellings that are slightly set away from the highway with areas of grass and planting fronting the street. Most of the front boundaries have no physical boundary at all. There are a few properties, including the appeal property, where taller fences that enclose the rear gardens are visible from the street. However, these fences generally follow the building lines of the adjacent properties, such that they do not project into the gardens and verges to the front and side, or they are screened by substantial landscaping. Consequently, the estate has an open, green and pleasant character and the carefully planned arrangement of front and rear boundaries contributes to that pattern of development, particularly those on corner plots such as the appeal site.
9. The proposed fence would project to the side of the property and would be significantly closer to the pavement than the current enclosure. Furthermore, the existing hedge would be re-planted between the proposed fence and the footpath, in place of the existing grassed area. Consequently, the proposal would significantly reduce the existing open space to the side of the property. In this case the height and extent of the fence would fail to retain the open appearance and character of the street, and it would be an obtrusive feature in the street scene at a prominent point on Tillage Close.
10. The appellant states that the existing privet hedge would be re-planted between the new fence and the footpath. However, there is no guarantee that the privet hedge would establish itself after it is re-planted. In the event that the hedge needs to be replaced, it would take some time before a new hedge reaches the size and coverage of the existing hedge and, during that time, the obtrusiveness of the fence in the street scene would be exacerbated. Consequently, the re-planting of the privet hedge would not overcome the visual impact of the proposed fence.
11. I have been referred to a planning permission for a single-storey side extension at 14 Tillage Close¹. However, full details of this permission have not been provided so I cannot be certain that the circumstances and context of this example are directly comparable to the appeal scheme.
12. For the reasons given above, the proposed fence would cause significant harm to the appearance and character of the area. The proposal would therefore conflict with Policies 69, 72 and 75 of the City and District of St Albans District Local Plan Review (1994), which all seek, in various ways, for a development to respect and relate to the scale and character of its surroundings.

¹ Planning application ref. 5/24/0290

Other Considerations

13. The proposed fence would be the same height as the existing fence. It is therefore unclear how the proposed fence would provide additional privacy and security compared to the existing situation. I therefore attach limited weight to these matters.

Conclusion

14. I conclude that 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. The appeal is therefore dismissed.

D Ellis

INSPECTOR