
Appeal Decision

Site visit made on 29 April 2016

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 May 2016

Appeal Ref: APP/K2420/D/16/3142349

152 Wolvey Road, Burbage, Leicestershire LE10 2JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Christie against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 15/00794/HOU, dated 15 July 2015, was refused by notice dated 27 November 2015.
 - The development proposed is the erection of a new 180cm high perimeter fence and gate to part of the side boundary and front boundary of the property.
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Decision

1. The appeal is dismissed.

Procedural matters

2. No elevational details of either the fencing or the gate have been submitted. However, the fencing had already been erected at the time of my visit. While the Appellant contended this was not complete, the only additional work to which he referred was the application of dark staining. I have therefore considered the fence on that basis.
3. The gate was not in place. However, the submissions say it would be 180cm high and beyond that I consider its detailed appearance does not have a material impact on my reasoning.

Main Issue

4. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

5. On the west side of Wolvey Road are dwellings of a variety of designs that are set back from the pavement behind relatively deep front gardens. Low walls and fences of various types tend to run along the front boundaries, and these allow views into the gardens and so contribute to a sense of openness in the streetscape. In places piers and railings on these fences and walls rise somewhat higher, but the limited width of the piers and the form of the fencing mean they do not impinge unduly on the openness that is otherwise experienced. It is also acknowledged that on occasions planting and hedging on the front boundaries is over 2m high. However its visual impact, with its varied, changing colours and its permeable nature, is softer and very different
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- to that of a solid fence or wall, and in any event such planting lies outside of planning control.
6. The fencing around the front of the appeal property contrasts markedly with this pattern of openness, as it has a solid appearance and it is tall by comparison with the fencing and walls that are otherwise generally found on Wolvey Road. This means it is a dominant and alien arrangement that conflicts to an unacceptable degree with the relatively open nature of the street scene, and as a result of this I consider it causes harm to the character and appearance of the area.
 7. As the appeal property stands at a road junction, the fencing also runs round onto the frontage of Beechwood Avenue. This road too comprises houses set back behind gardens bounded by low boundary walls and similar, that once more results in an openness in the streetscape. The Appellant's rear garden is enclosed by fencing of the same height as what is now before me, a section of which has run along the back of the pavement for some time. However, the extent of this would be roughly doubled by the additional fencing he wishes to retain, albeit with whatever break would remain after the gate was installed. Therefore, its effect on the street scene would be considerably greater, unacceptably eroding the sense of openness that was experienced, and so once more it would result in harm to the area.
 8. In assessing this issue I have been mindful of the intention to stain the fence a darker colour. While that would reduce its visual impact to some degree its effect would not be sufficient to lead me to different findings in relation to the matter of openness. I have also noted the planting behind and above the fence, but consider that does not soften its appearance adequately.
 9. The Appellant contended there would be an uncomfortable visual relationship on the Beechwood Avenue frontage if the new fencing was appreciably lower than the existing fencing to the rear garden, but that is not a view I share. Such a change need not be discordant and I noted that elsewhere (such as on Brockhurst Avenue) it had been suitably accommodated.
 10. To be weighed against the harm that I have identified, the Appellant has highlighted factors he considered should count in favour of the scheme.
 11. Firstly, he contended it protects his home from the undue noise and pollution that results from traffic on the roads around. However, although Wolvey Road is busier than some suburban streets to my mind the traffic is not sufficient to cause an unacceptable nuisance in these regards.
 12. I am aware this flow will inevitably change in the future, and I have noted the various developments in the area to which the Appellant referred. The Meadows though has a good access to the B4109 that would allow traffic to go to the motorway and the town centre without passing along Wolvey Road, while any traffic from the Sketchley House development would be spread among a number of roads, depending on where it was travelling to and from. The Stretton Croft development would be on the opposite side of the A5, although I have no reason to challenge the predicted 25% increase in traffic past the appeal property. However, even taking these schemes into account I am of the view that any additional traffic on Wolvey Road would not be sufficient to cause unacceptable noise or pollution nuisance.

13. Moreover, I consider the fence has a negligible effect on any light pollution resulting from cars passing over the speed hump, due to the relationship between the house and the speed hump itself.
14. The Appellant also contended the fence increases the privacy for him and his family, and allows his front garden to be better used. I accept that a suitable level of privacy can be a reasonable aspiration of a householder, but this has to be balanced against the impact of any necessary works. For this reason, and mindful of this balance, it is often accepted on corner plots that a tall side fence round the back garden can abut the pavement. However, it is very common indeed for front gardens to have limited privacy with possible overlooking from passing motorists, cyclists and pedestrians. Given the dwelling has a suitably sized private rear garden, to my mind improving the privacy at the front does not justify the harm I have highlighted.
15. Finally, the Appellant has stated that since erecting the fence problems relating to litter in his front garden have ceased. I accept that litter is an unsavoury aspect of today's society. However, I have no basis to consider the litter has not been merely put somewhere else, and again I am not satisfied that the benefits to the Appellant in this regard justify a fence of this harm.
16. As a result, even if assessed together I find that these factors do not outweigh the harm I have identified.
17. Given the width of the grass verge in front of the houses the fencing does not unacceptably impede visibility for drivers emerging from neighbouring driveways.
18. Having taken into account the Appellant's intention to stain the fence, I therefore conclude that the development would constitute an alien and incongruous development that detracted unacceptably from the character and appearance of the area and, in the absence of any material considerations to outweigh this harm, I conclude the development would be in conflict with Policy BE1 of the *Hinckley and Bosworth Local Plan 2001* and the aims of good design in the *National Planning Policy Framework*.

J P Sargent

INSPECTOR