The Planning Inspectorate

# Appeal Decision

Site visit made on 30 June 2016

**by D M Young BSc (Hons) MA MIHE**

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

**Decision date: 7 July 2016**

**Appeal Ref: APP/A2525/D/16/3149553**
**1 Rutland Close, Spalding, Lincs PE11 1UY**

- 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 Featherstone against the decision of South Holland District Council.
- The application Ref H16-0121-16, dated 1 February 2016, was refused by notice dated 23 March 2016.
- The development proposed is the erection of a 2m high fence (retrospective).

## Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2m high fence at 1 Rutland Close, Spalding, Lincs PE11 1UY in accordance with the terms of the application, Ref H16-0121-16, dated 1 February 2016, and the plans submitted with it, subject to the following condition:

   1) Within 3 months of the date of this permission the fence shall be painted in accordance with details that have first been submitted to and agreed in writing with the local planning authority. The fence shall be maintained in accordance with the approved details thereafter.

## Preliminary Matter

2. I have taken the description of development from the Council's Decision Notice as it is more succinct than the version provided in the Application Form.

## Main Issues

3. The main issue is the effect of the development on the character and appearance of the area.

## Reasons

4. The appeal property occupies a corner plot at the junction of Rutland Close and Osier Road. The surrounding estate does have a predominantly open character with dwellings set-back generously from the roadside behind front gardens and hard surfaced driveways. Despite this, low fences and high hedges particularly to corner plots are also notably features in the locality.

5. At the time of my visit I noted that the hedge to 8 Osier Road, which is located on the opposite site of the junction, has also been removed and replaced with a similarly designed timber fence. In my view, seen together in their context,

both fences compliment each other and add a degree of symmetry to the Rutland Close/Osier Road junction.

6. The front and side garden to No 1 is the only amenity space to the property and in order to afford a degree of privacy to its occupants it is entirely reasonable that it be enclosed. The Council argues that the fence by virtue of its location would be at odds with the open-plan nature of the surrounding area. However, the fence is no more at odds with its surroundings than the previous high hedge in that regard. The Council also argue that the fence is incongruous due to its height. However, there is nothing before me to demonstrate it is materially higher than the hedge which preceded it.

7. Whilst I accept the materials currently have a stark appearance, this could be ameliorated to a large extent by the imposition of a planning condition to ensure the timber panels and concrete elements are painted in a darker, less obtrusive colour similar to No 8. In my view, despite its pleasant suburban character, the surrounding area is not particularly sensitive in streetscape terms. As a result and bearing in mind the presence of a similar fence to No 8, the development has not changed the appearance of the site in a manner that could reasonably be described as being harmful to the wider area.

8. I therefore conclude that the fence does not cause unacceptable harm to the character and appearance of the area. It thus accords with Policy SG14 of the "*South Holland Local Plan 2006*" which requires development to make a positive contribution to the visual quality of its surroundings.

**Conclusion**

9. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed.

*D. M. Young*

Inspector