The Planning Inspectorate

Appeal Decision

Site visit made on 18 September 2017

by Ian McHugh DipTP MRTPI

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

Decision date: 29 September 2017

Appeal Ref: APP/A2525/D/17/3177234
5 Oak Square, Crowland, PE6 0DX

- 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 Ralph Chakadya against the decision of South Holland District Council.
- The application Ref HO2-1232-16, dated 16 November 2016, was refused by notice dated 4 April 2017.
- The development proposed is the erection of a 2m high rear boundary fence.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2m high rear boundary fence at 5 Oak Square, Crowland, PE6 0DX in accordance with the terms of the application Ref HO2-1232-16, dated 16 November 2016, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - HO.01; Site Plan - 02; and Fence Panel Elevation - 03.

Main Issue

2. The main issue is the effect of the proposed fence on the appearance of the area.

Reasons

3. The appeal proposal is to erect a 2m high panelled timber fence, which would enclose the rear garden of the appeal property. The appeal dwelling is situated on a corner plot, within a modern residential development. It abuts an access road that serves neighbouring properties and a shared car parking area. The rear section of the fence would directly face the front elevation of number 20 Oak Square (number 20), which is positioned on the opposite side of the access road.

4. A timber fence has already been erected along the edge of the access road. However, the proposal is to reposition the rear section of the fence 2m back from the edge of the road. This would be similar (in terms of its positioning) to existing timber fences at the rear of numbers 7 and 9 Oak Square (numbers 7 and 9), which comprise the other dwellings in the terrace.

5. The Council contends that the proposal would be an overly dominant feature, which would detract from the character and appearance of the area. Consequently, the Council states that the proposal would conflict with Policy SG14 of the South Holland Local Plan 2006. The policy requires new development to make a positive contribution to the architectural and visual quality of its surroundings. In my opinion, this policy is consistent with the provisions of the National Planning Policy Framework (the Framework), which has a similar requirement (paragraphs 17 and 58).

6. During my site visit, I observed that close-boarded and panelled timber fencing, along the side and rear boundaries of properties, is a common and visually prominent feature within Oak Square. The appeal proposal would be similar in terms of its height, overall appearance and positioning to these other boundary structures. Furthermore, the proposal to set the rear fence 2m back from the access road would also be consistent with the existing rear fences at numbers 7 and 9. This set-back would also help to reduce the visual impact of the fence on the streetscene and on the outlook from number 20.

7. Consequently, I consider that the proposal would not have an adverse effect on the appearance of the area and neither would it conflict with the Development Plan or with the Framework, as referred to above.

Conditions

8. The Council has suggested conditions in the event of the appeal being allowed. These have been considered in the light of the advice contained within the Planning Practice Guidance. A condition requiring the development to be carried out in accordance with the approved plans is necessary, for the avoidance of doubt and in the interests of proper planning.

9. It has also been suggested that the fence should be painted in accordance with proposals which should be submitted and agreed with the Council beforehand. However, given that the existing fence (which is to be repositioned) has a natural timber finish that matches other fences in the locality, I am not persuaded that the suggested condition is necessary.

Conclusion

10. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR