The Planning Inspectorate

Appeal Decision

Site visit made on 25 June 2015

by P Jarvis Bsc (Hons) DipTP MRTPI

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

Decision date: 15 July 2015

Appeal Ref: APP/A2525/D/15/3011904
24 Magellan Way, Spalding PE11 2FH

- 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 Simon Barker against the decision of South Holland District Council.
- The application Ref H16-1027-14 dated 27 November 2014 was refused by notice dated 16 February 2015.
- The development is to move boundary fence.

Procedural Matter

1. The fence has already been moved and therefore retrospective permission is sought.

Decision

2. The appeal is dismissed.

Main issue

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

Reasons

4. The appeal site is located on main route in a modern residential estate. The area is characterised by detached properties set at varying angles to the road with a mixture of front and side gardens visible in the streetscene. Magellan Way has an open plan character with wide grass verges. Front gardens are generally well planted with some fences to side gardens visible in the streetscene but generally these are set back behind verges and or planting.

5. The appeal site lies in a prominent position on the corner of Cook Drive. The dwelling itself is set back some distance from Magellan Way and at an angle to it. The fence encloses an extensive area to the front of the property along Magellan Way and extends along the whole of that frontage as well as a shorter return length along the first part of Cook Drive. The area towards Cook Drive adjoins the driveway of the adjoining property in that road.

6. The fence abuts the pavement edge with a small pebble strip on the outside edge. There is little room for any planting though I noted on the site visit that there are some climbing plants along part of the fence.

7. In my view, given the predominantly open plan character of this part of the estate, the existing fence appears as an excessively long, unrelieved feature in the streetscene at what is a prominent corner location. Whilst I note that there are other similar fences within the streetsene of Magellan Way, they are generally set back from the road frontage behind grass verges, are of shorter length and generally do not extend forward of the dwelling which they adjoin.

8. It would appear that the original fence extended some distance along Magellan Way and the area of land that has been additionally enclosed is only that part on the corner of Cook Drive. However, it seems to me that it is because of its prominent corner location that this area would have been an important element of the open plan character of the streetscene and wider estate. In my view, the complete enclosure of the area with the fence significantly detracts from the pleasant open plan character of this part of the estate.

9. I therefore find that the fence has a harmful effect on the character and appearance of the streetscene. It would thus fail to comply with Policies SG14 and SG18 of the South Holland Local Plan (2006) which seek development that makes a positive contribution to the visual quality of its surroundings, does not have an adverse effect on the character and appearance of the locality and incorporates landscape features and protects existing features.

10. The appellant has argued that prior to its enclosure, the area was difficult to maintain as it was routinely subject to litter and mis-use. However, there are many similar existing areas in the vicinity of the site which although not set away from the front of the house as is the case here, nevertheless appear to be successfully maintained either as grass or planted areas. In my view the painting of the fence or the provision of further climbing plants would not satisfactorily mitigate for the loss of open space that is a particular feature of the wider streetscene.

11. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR