



Appeal Decision

Site visit made on 19 December 2017

by **I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

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

Decision date: 04 January 2018

Appeal Ref: APP/B3030/W/17/3184391

102 Python Hill Road, Rainworth, Nottinghamshire NG21 0JF

- 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 Paul McCartney against the decision of Newark & Sherwood District Council.
 - The application Ref 17/00554/FUL, dated 21 March 2017, was refused by notice dated 14 August 2017.
 - The development proposed is change of use to residential and erection of a fence.
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Decision

1. The appeal is allowed and planning permission is granted for change of use to residential and erection of a fence at 102 Python Hill Road, Rainworth, Nottinghamshire NG21 0JF in accordance with the terms of the application, Ref 17/00554/FUL, dated 21 March 2017, and the plans referenced site layout plan, received 24/04/17, and revised site location plan, received 10/04/17.

Main Issue

2. The development subject of the appeal has already taken place. Based upon the Council's reason for refusal, the main issue therefore in this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. 102 Python Hill Road is a semi-detached house with a long rear garden. The appellant has purchased a strip of land that separates the rear boundary of its back garden from the road on Vera Crescent and enclosed it with a tall wooden fence and gate. This has had the effect of enlarging his garden slightly.
4. Vera Crescent is a residential cul-de-sac characterised by a varied layout of terraced housing. A common feature of the streetscene is rear gardens enclosed by tall fences. The fences, set very close to the back edge of the pavement, consist of wooden panels between concrete posts and have a utilitarian appearance.
5. The stout fence that has been erected to enclose the additional land to the rear of 102 Python Hill Road and the rest of its rear boundary is of higher quality than the other fences that characterise the streetscene. It consists of vertical timbers and a wooden base board. Posts are hidden from view and the gates have contemporary grey metal frames that are also infilled by vertical timbers. Although the fence is up to approximately 0.4m taller than other fences in the immediate area where it abuts existing fencing on the adjacent green it is the same height. Moreover, in the context of the streetscene on the northern side of Vera Crescent it is seen in isolation and its slightly greater height in these

views is not prominent. Given that, as I have noted, existing fencing in the area is set close to the pavement, the position of the fence on the back edge of the pavement is not so different as to be problematic in terms of the fence integrating with its surroundings.

6. Taking all these matters into account, I therefore conclude that in compliance with the supplementary planning document '*Householder Development*' the height, appearance and proximity of the fence to the footway, and the change of use of the enclosed land to residential, enhances the character and appearance of the area and is well designed. The development therefore complies with Core Policy 9 of the Newark and Sherwood Core Strategy, policies DM5 and DM6 of the Allocations and Development Management Development Plan Document. These policies require the protection of the character and appearance of a locality through high quality design that respects local design features. It would also comply with a core planning principle of the National Planning Policy Framework which seeks high quality design.

Other matters

7. As the fence at 1.8m to 2.2m in height is on the opposite side of the road to the dwellings along Vera Crescent, it is not so tall, or so close, as to be visually intrusive or harmfully enclose the outlook from nearby houses.
8. Concerns regarding the possibility of the appellant operating a car business behind the fence have been raised. However, the intentions of the appellant, implied or otherwise, are not a material consideration in relation to the appeal. Any future application would be determined by the Council on its planning merits and against local and national planning policy.

Conditions

9. As the development has been carried out it is unnecessary to attach the condition suggested by the Council in its officer report requiring that the development is carried out in accordance with the approved plans. A condition has been suggested requiring that details of the finished treatment and colour of the fence are submitted for approval by the local planning authority. However, unlike the other fences in the area, which due to their age have a faded grey colour, the fence has an attractive tan colour. As a result, the finish and colour of the fence is acceptable and the condition controlling these matters is also unnecessary. No other conditions have been suggested and none are needed.

Ian Radcliffe

Inspector