

## Appendix B

### Appeal by Mr J Simms

#### Fencing at 34 Miriam Avenue, Chesterfield.

#### CHE/22/00712/FUL

1. Planning permission was refused on 8<sup>th</sup> December 2022 for a new 2.0m fence to the frontage of the property to Miriam Avenue. The reasons for refusal were:

*The proposed boundary treatment would appear out of keeping and incongruous in the street scene, and harm visual amenity, in respect of the character and setting of the site, by virtue of its appearance, height and materials. It would not ensure that the interface between the building plot and street is attractive or takes into account the relationship between the public and private space. This is contrary to the Council's Supplementary Planning Document 'Successful Places' (section 3.15.7 Boundaries), Policy CLP20 part b and e of the Chesterfield Borough Local Plan and paragraph 130 of the revised National Planning Policy Framework..*

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issue in this case was the effect of the proposal on the character and appearance of the area.
4. The area is residential, comprising one and two storey detached and semidetached properties set back from the highway. The street frontages are characterised by low level boundary treatments, predominantly stone walls, with soft landscaping of varying heights, maintaining a pleasant, open character. The appeal site is on a prominent corner plot with the majority of its outdoor space to the side and front of the dwelling. The low-level stone boundary wall and planting contribute to the open, verdant character.
5. Given its height and position forward of the front building line, directly behind the existing low-level boundary wall, the proposed fence would form a large, obtrusive, and incongruous feature within the street scene, significantly reducing its openness. When combined with the removal of

the boundary planting, the proposal would appear harsh and out of keeping with the prevailing softness of the area.

6. The inspector concluded that the proposal would harm the character and appearance of the area and would conflict with Policy CLP20, part b and e of the Chesterfield Borough Local Plan (July 2020) which requires that boundary treatments are attractive while respecting the character of the area. There is also conflict with Successful Places: Supplementary Planning Document 2013) where it seeks to ensure that boundaries are appropriate to their location, strengthen distinctiveness and reflect the characteristics of the local context. Similarly, there is conflict with the National Planning Policy Framework (the Framework) which seeks to ensure development is visually attractive as a result of good layout and appropriate landscaping.
7. The inspectors attention was also drawn to other fences in the area. However, he noted that elements of their design including their position in relation to the front building line are different from the appeal proposal. Further, the majority of the examples provided are some distance from the appeal site where the character of the area is not the same. Moreover, the existence of other fences in the area does not justify the harm identified to the character and appearance of the area above. The appellant's desire to ensure their garden is private and secure and the lack of objections from neighbours were acknowledged, but not considerations which outweighed the harm identified above.