



## Appeal Decision

Site visit made on 28 January 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

**Appeal Ref: APP/F4410/D/19/3240383**

**38 Town Moor Avenue, Town Fields, Doncaster DN2 6BW**

- 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 Hodgson against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 19/02005/FUL, dated 5 August 2019, was refused by notice dated 15 October 2019.
- The development proposed is installation of 3ft wooden fencing located above brick wall. Wall is located on the Braemar Road side of the property boundary. Works includes the provision of driveway gates, and garden gates which are 1.8m in height.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. While on my site visit, I saw that the proposed development had already taken place and therefore I am considering this appeal retrospectively. In addition, I also note that an enforcement notice has been served on the appellant by the Council. However, this is not a matter for me to consider as part of this s78 appeal and in determining it I have only had regard to the planning merits of the case.

### Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Doncaster – Town Field Conservation Area (CA).

### Reasons

4. The appeal site contains a large two-storey detached dwelling with a red-brick façade and a large front garden bounded by a small red-brick wall. The street is characterised by large detached or semi-detached dwellings of similar designs. Both the appeal site and the other properties on Town Moor Avenue are situated within the Doncaster – Town Field CA. The character and significance of the CA derives from the large number of trees and green spaces within it. A key aspect of this is the boulevard of trees on Town Moor Avenue and the associated greenness provided by the large front and rear gardens on the street which help soften the edge of the built-form of the Town Field area to the front of the higher density buildings behind it. Another key characteristic of Town Moor Avenue as identified by the appraisal<sup>1</sup> is the properties' boundary treatment (generally low brick walls

<sup>1</sup> Doncaster – Town Field Conservation Area Appraisal

often backed with hedges or shrubs) which in combination with the trees gives the area the feel of a planned estate settlement.

5. The proposed development places a closed-boarded timber fence on top of a significant portion of the existing low brick south eastern boundary wall meaning it has an overall height of approximately 1.8 metres. A new timber gate has also been installed at the entrance to the front garden also measuring approximately 1.8 metres in height. Consequently, and taking into account the key characteristics of the CA, I consider that the proposal represents a discordant addition to the street scene that appears out of keeping with the overall character and appearance of the area.
6. Accordingly, given the design, height and location of the proposal it fails to preserve or enhance the character or appearance of the CA. As a result, it has a negative effect on the significance of a designated heritage asset resulting in less than substantial harm to the CA. Having regard to paragraph 196 of the *National Planning Policy Framework* (the Framework) I have little evidence before me to demonstrate that any public benefits arising from the proposed development exist in this case to justify this harm.
7. I note the points raised by the appellant in relation to security concerns and previous instances of crime as being the reason for the erection of the fencing and installation of the front garden gate. However, whilst I am sympathetic to those concerns, I fail to see how the erection of a fence on just one part of the site boundary and the installation of a single gate would deter potential acts of crime or increase the security of the site.
8. I also note the appellant's points with regards to similar fencing being erected on other properties in the area. However, as the appellant has pointed out, enforcement action has previously been taken by the Council against such proposals in the area in the past (in addition to the action being taken in relation to the proposal) and I therefore consider that any such schemes do not set a persuasive precedent in support of the proposal. In any event I have considered the appeal scheme on its own merits and the fact that similar fences may have been erected on the boundary of other properties on Town Moor Avenue does not outweigh the harm I have identified above to which I must attach great weight as per paragraph 193 of the Framework.
9. I therefore conclude that the proposed development would conflict with Policies CS1, CS14 and CS15 of the Doncaster Local Development Framework Core Strategy (adopted May 2012) and saved Policy ENV25 of the Doncaster Unitary Development Plan (adopted July 1998), which seek to ensure that new development protects and enhances heritage assets, is of a high quality design that contributes to local distinctiveness, reinforces the character of building traditions by responding positively to existing site features and integrating well with its surroundings, amongst other considerations. It would also conflict with paragraphs 193, 194 and 196 of the Framework which seek to conserve and enhance the historic environment, and Paragraph 130 which promotes good design.

## **Conclusion**

10. For the reasons set out above I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR