



Appeal Decision

Site visit made on 7 July 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2020

Appeal Ref: APP/F4410/W/20/3249282

2 Rectory Gardens, Wheatley, Doncaster DN1 2JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Muscroft-Gosden against Doncaster Metropolitan Borough Council.
 - The application Ref: 19/01770/FUL, is dated 24 July 2019.
 - The development proposed was originally described as "the erection of a 6 foot metal railing fence to the public highway, the erection of a 9 foot wooden fence to the boundary between 2 DN1 2JU and St Marys care home and the erection of a 7 foot wooden fence to the boundary between 2 DN1 2JU and 4 DN1 2JU."
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Decision

1. The appeal is dismissed and planning permission is refused insofar as it relates to the erection of wooden fences between the two boundaries (approx 2m and 2.7m in height). The appeal is allowed and planning permission is granted insofar as it relates to the erection of a 1.8m high metal railing fence to the public highway at 2 Rectory Gardens, Wheatley, Doncaster DN1 2JU in accordance with the terms of the application, Ref: 19/01770/FUL, dated 24 July 2019, so far as relevant to that part of the development hereby permitted and 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: Site Location Plan Scale 1:1250, Site Plan Scale 1:1250, Site Plan Scale 1:500
 - 3) The railings to be erected on the boundaries with Thorne Road and Rectory Gardens shall be implemented in accordance with the submitted photographs which show black finished reclaimed railings to a height of 1.8 metres along these boundaries.

Application for Costs

2. An application for costs was made by Mr Andrew Muscroft-Gosden against Doncaster Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has submitted an appeal statement which sets out its objections. As this concerns the matter of dispute with the appellant, it forms the basis of the main issue in this case.
4. The description of development in the banner heading above is taken from the planning application form. The description which is set out on the appeal form and in the Council's appeal statement describes the development as the "erection of a 1.8m high metal railing fence to the public highway and erection of wooden fence between two boundaries (approx 2m and 2.7m in height)". I have utilised this description in my decision paragraph as it more precisely reflects the proposal.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Doncaster - Thorne Road Conservation Area.

Reasons

6. The appeal site lies on a spacious plot on the corner of Thorne Road and Rectory Gardens. The house is well set back from the site frontages. The boundary with Thorne Road is defined by a low brick wall and, at the time of my site visit, temporary security fencing. Trees and vegetation are found just behind this boundary. A similar arrangement is found on Rectory Gardens. The adjacent property on Thorne Road is a care home with a stone wall on the boundary. A brick wall is found on the boundary with the neighbouring residential property on Rectory Gardens, and there is also vegetation close to this boundary.
7. The site lies within the conservation area. This part of the area consists principally of red brick villa-type properties that lie in verdant surroundings, due to the amount of tree cover and vegetation. Boundary treatments that are in public view are predominantly brick walls and hedgerows, with occasional railings. The site contributes to this significance by way of its green and open character. The stone wall is also a pleasing attribute, which it is understood relates to a former property in the vicinity of the site.
8. In these surroundings, the proposed solid wooden fences on the boundaries with the neighbouring properties would not be in keeping with the typical forms of boundary treatment. Where they would extend towards the site frontages at the heights that are proposed, they would appear noticeably incongruous in the streetscene. The extent that the proposed fences would enclose these boundaries would detract from the open character.
9. In addition, the proposed fence on the side of the care home would largely obscure the stone wall when viewed from Thorne Road in the direction of the town centre. Thus, it would also detract from its contribution to the local character in this regard. The juxtaposition to the wall at the height proposed would result in this fence also appearing as an uncomfortable feature in this regard.

10. The appellant has referred me to other examples of solid wooden fences in the area. Where there are such examples, they have not changed the prevailing character so much that they would justify the proposed fences. Enforcement related matters on other sites are not for my consideration.
11. The ground levels of the site and the neighbouring properties also do not alter my view as the harm arises from where the proposed fences would be positioned towards the front boundaries, and so in view from the streetscene, along with the concealing of the wall. In relation to the potential use of railings in lieu of the proposed fences, the proposal was applied for on the basis that fences would be erected along these boundaries, and so I have considered the appeal on this basis.
12. I conclude that the proposed fences would fail to preserve or enhance the character or appearance of the conservation area. As such, they would not comply with Policies CS14 A (1,3) and CS15 A of the Doncaster Council Core Strategy 2011-2028 (2012) and with Saved Policy ENV25 of the Doncaster Unitary Development Plan (1998) which concern high quality design and seek to protect, preserve and enhance the historic environment, including in conservation areas, amongst other matters. Whilst Policy CS14 A (3) raises matters of safety and security, this is within the context of a high quality design, which the proposed fences would not achieve.
13. The proposed fences would also not comply with paragraphs 190, 192, 193 and 200 of the National Planning Policy Framework (Framework) where they are, collectively, concerned with conserving and enhancing the historic environment.
14. For the purposes of paragraph 196 of the Framework, less than substantial harm arises. In relation to weighing this harm against the public benefits, I am not unsympathetic to the safety, security, anti-social and crime prevention matters that the appellant has raised. However, strong protection is afforded to the historic environment through the planning system and, for the reasons that I have set out, this does not favour the proposed fences. As a consequence, these public benefits do not outweigh the less than substantial harm.
15. The proposed railings would cause less of a concern. They would be more in keeping with the types of boundary treatment that are part of the character of the conservation area. They would also allow the remaining vegetation near to the site frontages to be retained, thereby maintaining the green character. The appellant has also provided confirmation of the types of railings that would be used by way of photographic evidence, namely reclaimed and with a black exterior finish.
16. Accordingly, the proposed railings would preserve or enhance the character or appearance of the conservation area. Therefore, they would accord with Policies CS14 A (1,3) and CS15 A, and with Saved Policy ENV25. They would not cause harm to the significance of a designated heritage asset for the purposes of the Framework.
17. In relation to the policy in the Council's emerging Local Plan that I have been referred to, as this does not seem to change substantially the approach to the relevant issue in the existing development plan policies, it has a limited bearing on my decision.

Conditions

18. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purposes of certainty. These plans are not annotated with references but for the purposes of clarity show the site location, with the site plans showing where the proposed railings would be located along the site frontages. I have also imposed a condition by way of the proposed details of the railings that have been submitted. This is in order to preserve or enhance the character or appearance of the conservation area.
19. The conditions I have imposed are based on those put forward by the Council, as relevant to my decision. Whilst the appellant takes issue with conditions, this is a standard approach when planning permission is granted. I am bound to apply the conditions as regards the statutory timescale for implementation and the approved plans, whilst the railings simply reflect those which have been put forward by the appellant as part of the proposal and so are for my consideration.

Conclusion

20. I conclude that the appeal should be allowed insofar as it relates to the proposed railings but dismissed insofar as it relates to the proposed fences.

Darren Hendley

INSPECTOR