



Appeal Decision

Site visit made on 5 January 2022

by **Felicity Thompson BA(Hons), MCD, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Appeal Ref: APP/F4410/C/21/3282745

30 Rosedale Road, Scawsby, Doncaster DN5 8SU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Miss Toni Clews against an enforcement notice issued by Doncaster Metropolitan Borough Council.
 - The notice was issued on 2 August 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a wall and fencing more than 1 metre in height to the front boundary of the residential property adjacent to a highway on the Land in the position marked between points A and B in red on Site Plan A attached to the notice.
 - The requirements of the notice are:
 - (i) (a) Remove the wooden gates to the front of the property on the Land, in the approximate position marked between points A and B on Plan A attached to the notice; or (b) reduce the height of the wooden gates to the front of the property on the Land marked between points A and B on Plan A attached to the notice to a height of not greater than one metre;
 - (ii) Remove the wooden fence, metal structures and brick piers erected on top of the existing brick wall and reduce the height of the brick wall to a height not greater than one metre on the Land marked between points A to B on the Plan A attached to the notice;
 - (iii) Following compliance with steps (i) to (ii) above permanently remove the resultant materials from the Land.
 - The period for compliance with the requirements are for steps (i) and (ii) one month and for step (iii) two months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The enforcement notice is corrected by deleting the word *brick* where it appears before the words *piers* and *wall* in (ii) within section 5 of the enforcement notice (what you are required to do).
2. Subject to this correction the appeal is dismissed, and the enforcement notice is upheld.

The Enforcement Notice

3. The requirements of an enforcement notice should flow logically from the allegation. In this case the alleged breach refers to a wall and fencing however, requirement (ii) refers to a *brick* wall, when the wall is rendered. This misdescription does not render the notice unclear, and it is evident to me that the appellant understands what they have done and are required to do. In the interests of clarity, I have deleted the word *brick* where it appears in

requirement (ii). This correction neither enlarges or reduces the scope of the allegation and as such there is no injustice to either party.

The appeal on ground (a) and the deemed planning application

4. The appeal property is a semi-detached house located in a mainly residential area, characterised predominantly by semi-detached dwellings constructed from red brick, set back from the road with, for the most part, enclosed front gardens, and off-street parking. Boundary treatments are varied but are mostly composed of relatively low walls in brick or stone and/or fences with some formed of hedges. Whilst there are some reasonably tall fences, mostly to side boundaries, the general height and design of boundary treatments ensures a level of visual permeability, which contributes to a sense of openness.
5. The development, subject of the notice, due to its design and height, has resulted in a dominant structure in a prominent location that appears appreciably taller than the majority of boundary treatments on other frontages in the vicinity of the site. Moreover, due to its length and position, adjacent to the footway, it presents an enclosed frontage to passers-by, which contrasts with the sense of openness that characterises the frontages of nearby dwellings. Consequently, the wall and fencing are a dominant and incongruous feature that appreciably harms the character and appearance of the area.
6. The appellant referred to other boundary treatments of similar height and style in neighbouring streets however, no details have been provided. In any event, I noted none of a comparable appearance in the immediate vicinity at my visit, as such this is a matter of limited weight.
7. Whilst I acknowledge the appellant's comments regarding the need for a tall boundary due to their large dogs and the safety of passing children, since there is no substantive evidence that the appeal development is the only way in which such needs could be met, this is a matter of little weight in my assessment. Similarly, the appellant's misgivings about the Council's handling of the case including the time taken to issue the enforcement notice are separate matters which have no bearing on the planning merits of the development.
8. For the reasons given, the development is contrary to Policy CS14 of the Council's Core Strategy¹ which requires high quality design that integrates well with the immediate and surrounding local area. It also fails to accord with the design aims of the National Planning Policy Framework.

Conclusion

9. I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR

¹ Doncaster Council Core Strategy 2011 – 2028 Adopted May 2012 Doncaster Local Development Framework