

Appeal against planning refusal, reference application no. 24/00125/HOU

With regard to the above, I would like to appeal against the decision to refuse planning permission for our boundary fence and present the following information in support, along with the original Design and Accessibility Statement which outlines our reasons for the design and installation of the fence.

Firstly, the refusal letter states that the LPA undertook ongoing dialogue with us, and that they attempted to work with us, offering advice and seeking solutions to problems arising from the planning application as required by the National Planning Policy Framework.

In fact, there was no contact from the LPA after they acknowledged receipt of the planning application until I received the planning refusal letter. As such we received no advice, nor any details of the issues with the application and therefore had no opportunity to address those issues and to consider potential alterations to the work to arrive at a mutually acceptable solution.

I raised this point with a member of the planning team, and I was told that assumptions had been made that we would not be prepared to make any changes. This is unacceptable and unprofessional, given the claims made by the LPA.

When we were advised of the requirement for planning permission, we were always, and remain, open to conversations to arrive at a mutually satisfactory resolution. If the planning application had been dealt with in a timely fashion, it may have been possible for us to incorporate any agreed modifications to the fence, while other landscaping work was still in progress. However, the planning applications process took over 12 months to complete and all other work is now finished, apart from painting the fence, in case the LPA suggested specific colours.

With regard to the length of time taken to process the planning application, our understanding is that planning applications should be processed within 8 weeks, unless agreed between the LPA and the applicant. We received no contact from the LPA between February 2024 (when we submitted and paid for the application) and October 2024. Unfortunately, when we made the initial application, I was unable to use the planning portal, and the application forms sent electronically by the LPA. After some discussions about this I typed out the questions and answers from the form and attached them to our application submission. We received an email on 7 February 2024, stating that a completed application form was required, but then on 9 February we received a follow-up email requesting only a site plan, elevation of the fence and payment of the planning fee. It was not until 24 October 2024 that we received a further email advising that our application could not be processed without a completed form. I finally obtained a hard copy form from the LPA and submitted this on 14th November 2024. This was acknowledged on 15th November. We then heard nothing further from the LPA until we received the planning refusal letter on 24th March, which stated the above-mentioned dialogue.

The refusal of planning permission, as stated in the decision letter, is based on the appearance of the fence only, stating that it introduces an obtrusive and incongruous feature into the street scene. This is a purely subjective view. The comment in the letter that the fence fails to complement or enhance the character of the surrounding area, is completely at odds with our own experience. We, ourselves, and the company installing the fence received many positive and complimentary comments about the fence, and how much of improvement it was over the old hedge (which was dying and becoming dangerous, as stated in the original design and access statement).

When considering the Burbage Road street scene, we find it difficult to understand the comment that the fence is obtrusive. As our property is located on a service road, the fence is a significant distance from the main highway and positioned behind a row of mature trees. In addition, the fence provides a more open aspect than the previous hedgerow. Furthermore, property boundaries along the road are very varied,

including many different styles and designs of fences, walls and hedging, in line with the range of property styles. If our fence is different to most of these, we feel that it only adds to the diversity.

There are many similar fence installations within the local and wider area. If viewed subjectively, as in the case of our refusal, they can be seen equally as adding to the variety and diversity of the area, rather than of poor design and incongruous.

I have attached photographs of a variety of fences and other boundary designs, adjacent to the highway, in the local area. It seems unreasonable that these, including some quite recent installations, are allowable, while ours is not.

The refusal letter also states that the design of the fence fails to comply with various national and local planning policies, and 'guidance contained in the Council's Good Design Guide Supplementary Planning Document'. Perhaps if the dialogue mentioned earlier had taken place, we could have been made aware of this guidance and discussed how we might have been able to comply with the requirements.

The garden to the side of our property has always been fully enclosed and private, since before we bought the house in 1999. Lowering the fence to this side garden (left of the house viewed from the front) would expose this area and would force us to lose a large area of our usable garden, which has never been part of the property frontage and has always been available as a safe and protected area for our children and grandchildren. This would also significantly reduce the security of the property, providing almost unrestricted access to the side and rear.

With regard to the installation of the fence, and the approval of planning permission, the key factors for us are that the security, safety and privacy of our property are maintained, particularly to the side of the house, without having to change the long-standing configuration of our garden. As such, we believe that refusal of planning permission on the grounds stated in the letter are subjective and unreasonable.

Considering the obtrusive and incongruous nature of new developments the new properties, currently under construction opposite my house on Burbage Road can be taken as an example. It is my subjective opinion (along with a number of other local residents) that these do not complement or enhance the street scene and are significantly at odds with the prevailing character of the area. This is also in comparison to other similar property types which have been built in and around the village over recent years, which are much more appropriate. If this development has been deemed fit to sit within the Burbage Road street scene and not be classed as obtrusive or incongruous, then so should our simple, clean lined boundary fence.

In summary:

1. The LPA claimed to have had an ongoing dialogue with ourselves, as applicants, and attempted to work with us to resolve issues with the planning application. This did not take place.
2. In addition to the above we believe that the LPA failed in their own wider procedures with regard to timing and processing of the application, and provision of planning advice.
3. The decision to refuse planning permission is based on how the fence looks and fits with the street scene and prevailing character of the area. This appears to be a purely subjective decision by officers within the LPA, without giving full consideration to the wide range of boundary fences, walls etc. in the area, and, indeed, other new more significant developments.
4. Lowering or removing the fence would significantly compromise the security, safety and privacy of our property and would require significant changes to the long-standing configuration of our garden area.