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## Appeal Decision

Site visit made on 18 December 2024

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14<sup>th</sup> January 2025

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**Appeal Ref: APP/X1925/D/24/3350298**

**3 Fountain Row, Ninesprings Way, Hitchen, Hertfordshire SG4 9NR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Shabana Asghar against the decision of North Hertfordshire District Council.
  - The application Ref is 24/01231/FPH.
  - The development is the erection of a carport structure and boundary fence to front of house.
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### Decision

1. The appeal is dismissed for the erection of the car port. The appeal is allowed and planning permission granted for in the erection of a boundary fence to the front of the house at 3 Fountain Row, Ninesprings Way, Hitchen, Hertfordshire SG4 9NR in accordance with the terms of the application, Ref 24/01231/FPH, subject to the following condition:
  - 1) The development hereby permitted insofar as it relates to the erection of a boundary fence to the front of the house shall be carried out in accordance with the following approved plans: P1; P2; P3; P4; P5; P6 and P7A.

### Procedural Matters

2. The development subject of this appeal has been erected.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The content of the revised Framework does not materially change the national policy basis for the assessment of this appeal.

### Main Issue

4. It is considered that the main issue is the effect of the proposed development on the character and appearance of the streetscene.

### Reasons

5. The development includes the erection of a car port and a front boundary fence. The council has not objected to the front boundary fence. Although taller than other near-by means of enclosure fronting the roads, the fence is not an incongruous form of development within the streetscene and there are no reasons to disagree with the council's assessment.
6. The car port is sited to the side and front of the semi-detached 2-storey host property and comprises wooden posts with a flat roof which slopes away from the

- road. The appellant identifies that the structure was erected for security and privacy reasons.
7. The council has assessed that the scale and design of the car port does not detract from the character and appearance of the host property and, from the observations made during the site visit, there are no reasons to disagree with this assessment.
  8. Within the surrounding area the gardens fronting the roads are characterised by landscaping with areas for external parking giving them an open appearance. The means of enclosure adjacent to the footways are low level comprising a mix of walls, hedges and fences. Overall, the streetscene along the surrounding roads therefore possess a generally open and verdant appearance. Although some small scale front extensions have occurred to individual dwellings, there no other structures of a similar scale, design or siting as the car port.
  9. The front elevation of the car port is sited adjacent to the boundary of the property with the footway along Ninesprings Way. When viewed from the east, the car port is partially viewed against the context of wooden fencing within the elevated front garden of 2 Fountain Row. From the west, the car port is seen against the context of the open front gardens of 4 to 6 Fountain Row. There are clear views of the car port from the south along Oakfield Avenue.
  10. By reason of its significant projection forward of the host property's front elevation, the car port's siting and size does result in an incongruous form of development within the streetscene when viewed along Ninesprings Way and Oakfield Avenue. This element of the appeal scheme does cause unacceptable harm to the character and appearance of generally open and verdant streetscene and, as such, it is contrary to Policies D1 and D2 of the North Hertfordshire Local Plan 2011-2031 (LP). Amongst other matters, these policies require proposals to respond positively to local context and for dwelling extensions to be sympathetic to the existing house.
  11. However, in this case the 2 elements of the appeal scheme are clearly severable and are both physically and functionally independent. Accordingly, there exists the potential to issue a split decision in this case. For the reasons given, it is concluded that the front boundary fence does not cause unacceptable harm to the character and appearance of the streetscene and, as such, it does not conflict with LP Policies D1 and D2. Conversely, it is concluded that the car port does cause unacceptable harm to the streetscene and, as such, it does conflict with LP Policies D1 and D2.
  12. The Council has not suggested any conditions in the event that this appeal succeeds. However, for reasons of certainty, a condition is necessary to identify the approved drawings insofar as they relate to the front boundary fence. Accordingly, it is concluded that the appeal should be dismissed for the erection of the car port but allowed for the erection of the boundary fence to the front of the house.

*D J Barnes*

INSPECTOR