

Appeal Decision

Site visit made on 4 October 2016

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th October 2016

Appeal Ref: APP/X0360/W/16/3149024

43 Colmworth Close, Earley, Wokingham RG6 4DZ

- 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 Sean Cox against the decision of Wokingham Borough Council.
 - The application Ref 152376, dated 25 August 2015, was refused by notice dated 15 February 2016.
 - The development proposed is "Proposed erection of fencing 1.8m high to amenity land belonging to Mr Sean Cox, fencing at rear, side and in line with front elevation of house, remaining land grassed to lawn".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal property, 43 Colmworth Close, is a two-storey, end of terrace dwelling located within a wider residential area. The area has a strong verdant quality as a result of vegetation growing in many front and rear gardens. In addition, regularly occurring areas of grassland and other vegetation located between the boundary walls of dwellings and the public highway also contribute to the verdant qualities of the area and provide important visual amenity for local residents. These areas of grassland and other vegetation also provide a strong sense of space and openness within the streetscape and open up views along streets, notably where they occur on road corners.
 4. The area of grassland the subject of this appeal, located on a road corner between the boundary wall and driveway of No 43 and the public highway, adds considerably to these verdant and spatial qualities. It therefore positively contributes to the character and appearance of the area. This is notwithstanding that it may, in the past, have appeared overgrown.
 5. The appellant seeks to erect a 1.8 metre boundary fence around part of the area of grassland to integrate it within their private rear garden. I acknowledge that an open area of grassland would be maintained that would continue to provide an element of open space and greenery in the area. I also note that the proposed fence would be set back from an adjacent driveway and would be set back from the kerb line.
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6. Nevertheless, the proposal would enclose approximately half of the area of grassland, and therefore a substantial part of it. This would greatly reduce the contribution that the area of grassland currently makes to the spatial qualities and green character of the streetscape and area and would considerably diminish public views across it. This would be apparent from many public vantage points along Colmworth Close, including from the junction with Chatton Close. I therefore conclude that the proposal would result in significant harm to the character and appearance of the streetscape and area.
7. The proposal would therefore be contrary to Policy CP3- General Principles for Development, of the Wokingham Borough Adopted Core Strategy Development Plan Document 2010; and Policy CC03- Green Infrastructure, Trees and Landscaping, of the Wokingham Borough Adopted Managing Development Delivery Local Plan 2014. These policies require, amongst other things, development to be appropriate to the character of an area and to protect the Borough's green infrastructure network. These policies are consistent with the broad aims and objectives of the National Planning Policy Framework that seek planning to take account of the different roles and character of different areas.
8. The proposal would also conflict with the guidance set out in the Wokingham Borough Council Borough Design Guide Supplementary Planning Document 2012. The SPD advises, amongst other things, that development should relate well to the streetscape and to the character of the area.

Other matters

9. The appellant makes reference to other examples of similar fences in the area that enclose previously open areas of grassland and vegetation. However, I have not been provided with any detailed information in respect of the location of these fences or whether these fences required and were granted planning permission and if so, the details of such planning consents, to allow any informed comparisons. Moreover, each case must be dealt with on its own merits.
10. The appellant claims that the proposal would prevent the dumping of litter and waste. Nevertheless, I have no substantive evidence before me to demonstrate this is an ongoing issue that would cause me any particular concern. In addition, during my site visit, I did not observe any litter or waste within the area of grassland, which appeared to be well tendered. Furthermore, it has also not been demonstrated that even if this were an issue, there would be no other appropriate measures which could help alleviate the problem. I therefore afford limited weight to this matter.
11. I acknowledge a number of third party concerns, including in respect of highway safety. Nevertheless, the Council did not raise this as a concern and based on the evidence before me and my own observations, I have no substantive reasons to take a different view on this matter.

Conclusion

12. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson INSPECTOR