

Appeal Decision

Site visit made on 17 October 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 04 November 2016

Appeal Ref: APP/P1133/W/16/3154164

1 Daggers Copse, Newton Abbot, Devon, TQ12 1UW

- 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 Darren Andrews against the decision of Teignbridge District Council.
 - The application Ref 16/00302/FUL, dated 29 January 2016, was refused by notice dated 19 April 2016.
 - The development proposed is described as: "Existing boundary of bushes and conifer trees removed and fence erected. To side and rear of property is 6 ft fence. To front and side is 3 ft picket fence."
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. 1 Daggers Copse is a two storey end of terrace property located within a residential estate. It sits in a prominent position at the junction of Daggers Copse and Higher Budleigh Meadow. The proposal concerns front and side boundary fences which have been erected at the property and which the appellant is seeking to retain.
 4. No 1 sits on higher ground than the adjacent highway Higher Budleigh Meadow, therefore a low retaining wall runs along the side boundary and part of the front of the property. The section of fencing which forms the side boundary of the rear garden to No 1 is 6ft tall and sits on the raised ground directly adjacent to this retaining wall. Its siting in such close proximity to the highway and its overall height, given its raised position, makes it an overly dominant and incongruous addition to the street scene. The fact that it sits right on the boundary with the highway also means there is no opportunity to provide any planting to soften its appearance.
 5. There are walls and fences in the vicinity of the appeal site. However, these are not as tall or as prominent as the rear side boundary fencing at No 1. Of the other properties in the immediate area which have a similar elevated and side-on relationship to the highway, in the majority of cases, the rear side boundaries are formed of lower walls and fencing than that which is before me,
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which still provide privacy given their elevated positions. They are also, generally, set in from the boundary with the highway, and some have planting in front which further softens their visual impact.

6. The siting and height of the rear side boundary fencing is therefore harmful to the character and appearance of the surrounding area and painting it would not mitigate this. As such it conflicts with Policies S1, S2 and WE8 of the Teignbridge Local Plan 2013-2033 which, amongst other things, seek to protect the character and appearance of the built environment from development which has a dominant or overbearing impact on the street scene. In arriving at this conclusion I find limited harm with respect to the lower hit and miss fencing around the front garden which has a lighter, less dominant appearance. This does not, however, override my findings above.
7. I note that the appellant previously removed a number of tall conifers from the boundaries which were damaging walls and drains and encroaching onto the adjacent pavement making it slippery and narrow to walk along, and I see that a number of neighbours consider the fences to be an improvement to the area. I also acknowledge that the fencing provides safety and privacy for the appellant's child. Nevertheless, given my findings above, I consider that similar benefits could be achieved without resulting in the harm I have found. Therefore, having had regard to all matters raised, the appeal is dismissed.

Hayley Butcher

INSPECTOR