

Appeal Decision

Site visit made on 7 November 2016

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/T3725/D/16/3159260

3 Gleave Road, Whitnash, Warwickshire CV31 2JT

- 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 Parminder Atwal against the decision of Warwick District Council.
 - The application Ref W/16/1074, dated 12 June 2016, was refused by notice dated 25 August 2016.
 - The development proposed is the repositioning of an existing external fence to about 3 feet away from the pavement.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application form and appeal form both include a lengthy description of the proposal. That includes the reasons for making the application, which do not form part of the description of the proposed development. Consequently, whilst I have considered that additional information in my decision, in the interests of clarity and succinctness, I have amended and shortened the description of the development in my heading above.

Main Issue

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

Reasons

4. No. 3 Gleave Road ('No. 3') occupies a corner plot, with the dwelling's flank wall facing Franklin Road. There is an existing timber fence, which the Council describes as 1.8m high. Although it steps out from the dwelling's flank wall, it is set well back from Franklin Road. It is proposed that that fence be repositioned much closer to the back edge of the footpath on Franklin Road to enclose an area predominantly laid to lawn which is in the appellant's ownership.
5. There are many largely open frontages along this part of Franklin Road and Gleave Road, often enabling vehicles to be parked on the properties' forecourts. Where there is boundary treatment parallel with and close to the highway edge,

it predominantly consists of low brick walls and hedgerows. The very few fences that I observed were lower than this proposal. Given the paucity of structures or significant built form close to the highway edge the area has a fairly open and spacious character.

6. As currently sited no. 3's timber fence is forward of the row of semi-detached dwellings at nos. 40 to 50 (even) Franklin Road. However, in its proposed location, the fence would be much closer to the highway, and would be stepped well forward of the general building line formed by the front of those properties and other dwellings on this side of the road. In that location it would contrast markedly with the many open frontages, and with the generally much lower or landscaped boundaries close to the highway edge. Given the height and position of the fence it would appear as a dominant structure in the streetscene. On this prominent corner plot that impact would be very apparent looking up and down Franklin Road. As a result, the scheme would cause significant harm to the area's prevailing character.
7. Amongst other matters, and in general terms, policies DP1 and DP2 of the Warwick District Local Plan 1996 - 2011 (2007) state that development should positively contribute to the character and quality of the environment, harmonise with or enhance the existing settlement, and provide acceptable standards of amenity with regard to matters such as visual intrusion and the enjoyment of public spaces. The scheme would conflict with those policies, and with the National Planning Policy Framework's requirements for good design and the promotion of local distinctiveness.
8. I understand that litter, including broken glass, is frequently thrown onto the appellant's grass verge, and that the area has been fouled by dogs. That causes him particular concern and raises safety issues as he has a young child. However, I note that no. 3 has a large enclosed rear garden which provides a significant area for safe play, and consequently whilst I appreciate the appellant's frustrations at having to clear up his verge, that matter does not outweigh the significant harm that I have found this scheme would cause to the area's character and appearance. I saw the bus stop that has been moved to outside the appellant's property on Franklin Road. However, other than the above issues, it is unclear from the evidence before me precisely what negative impact or health and safety concerns that has caused.
9. The appellant states that he would be willing to move the fence out only 75% of his original request. However, I have no drawings to show that, and it is not the scheme the Council based its decision on. In any event this tall fence in that approximate location would still jar with the area's prevailing character.
10. I have considered concerns regarding the scheme's impact on highway visibility, but I have also noted the lack of objection from Warwickshire County Council as Highway Authority, and that matter has not been determinative in this appeal. Nevertheless, for the reasons above and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR