
Appeal Decision

Site visit made on 29 November 2016

by P N Jarratt BA DipTP MRTPI

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

Decision date: 1 December 2016

Appeal Ref: APP/N1160/C/16/3153914

10 Conqueror Drive, Manadon Park, Plymouth, Devon, PL5 3UT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr I Woodhead against an enforcement notice issued by Plymouth City Council.
 - The enforcement notice, numbered 16/004500/OPR, was issued on 22 June 2016.
 - The breach of planning control as alleged in the notice is erection of an approximately 1.8m high close boarded timber fence of approximately 40m in length with supporting wooden posts (shown edged in blue on the plan attached to the notice).
 - The requirements of the notice are;
 - 1) Dismantle all the timber fence panels and posts;
 - 2) Remove all of the dismantled fence panels and posts from any part of the land.
 - The period for compliance with the requirements is
 - 1) one month;
 - 2) two months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Relevant planning history

2. An appeal was dismissed for the retention of the fence in August 2016 (APP/N1160/D/16/3153902).

Main Issue

3. The main issue in this appeal is the effect of the timber fence on the character and appearance of the area.

Reasons

4. The appeal relates to a 40m length of 1.8m high panel fence facing 20-26 Conqueror Drive that has been erected to enclose part of the relatively large unkempt garden at No 10 Conqueror Drive. The original black metal railings remain in place and the panel fence is fixed to the rear of the railings. Metal railings are one of the distinctive boundary treatments of the estate which provide a view into the front gardens of houses from public areas and contribute to the high quality and distinctive character of the area. Solid timber

fencing is not common in the area and trees and shrubs are used to provide privacy and this soft landscaping makes a positive contribution to the street scene.

5. The fence is highly visible due to its height and appearance, and the central location of the garden which it encloses. It is an uncharacteristic and prominent feature which is visually intrusive and does not reflect the established character of the area. The fence has an adverse effect in views from the road and from neighbouring properties. It is detrimental to the open and spacious appearance of the area and detracts from the high quality design of the wider development.
6. The appellant has not submitted any information in support of his appeal although he makes reference to an earlier appeal which I assume is APP/N1160/D/16/3153902 referred to above. Circumstances remain the same as in the previous appeal decision and I reach the same conclusion as that Inspector.
7. I conclude therefore that the development has an adverse effect on the character and appearance of the area. It is contrary to Policies CS02 and CS34 of the adopted Plymouth City Council Local Development Framework: Core Strategy (2006-2007) 2007 which require that development respects the character, identity and context of the historic townscape and landscape, and is compatible with its surroundings. The development does not accord with the advice of the Council's adopted Supplementary Planning Document: Development Guidelines (2013) which seeks to ensure that development reflects local distinctiveness.
8. For the reasons given above I conclude that the appeal should be dismissed.

P N Jarratt

Inspector