

Appeal Decision

Site visit made on 9 February 2017

by K E Down MA (Oxon) MSc MRTPI MRSB

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

Decision date: 21 February 2017

Appeal Ref: APP/G3110/D/16/3164571

92 Staunton Road, Oxford, OX3 7TR

- 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 Peter Conway against the decision of Oxford City Council.
 - The application Ref 16/02338/FUL, dated 5 September 2016, was refused by notice dated 3 November 2016.
 - The development proposed is erection of a close boarded fence to end of rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a close boarded fence to end of rear garden at 92 Staunton Road, Oxford, OX3 7TR in accordance with the terms of the application, Ref 16/02338/FUL, dated 5 September 2016, and the plans submitted with it.

Main Issue

2. There is one main issue which is the effect of the proposed fence on the character and appearance of the street scene of the access road serving the John Radcliffe Hospital.

Reasons

3. The appeal property is in Staunton Road. However, its rear boundary backs onto the access road to the John Radcliffe Hospital, a large and busy hospital serving Oxford and the surrounding area. The proposed close boarded fence has been erected on the rear boundary of the property following the removal of a high hedgerow and undergrowth as part of works to the access road and verges, understood to have been carried out by the City Council. If allowed to remain it would be some 2.8m in height. It would be partially screened by a number of retained trees located close to it and in the wide verge between the fence and the highway carriageway. Nevertheless, it would remain visible in the street scene.
 4. Other fences on the rear boundaries of neighbouring dwellings appeared to be somewhat lower than the proposed fence at probably about 2m in height. They were clearly visible in the street scene, being located closer to the junction with Headley Way and behind a narrower verge with few trees. Nevertheless, they had weathered and blended well into the street scene which is characterised,
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close to Headley Way, by a suburban appearance. This gives way, closer to the hospital, to a more open street scene, characterised by allotments and a park set behind visually permeable high wire mesh fencing. Beyond is the densely built up hospital complex.

5. The appeal fence lies between the other fences and the park fence. It has begun to weather and no longer has the stark appearance of new fencing. In time some of the vegetation that has been removed is likely to re-establish. In any case, the set back from the carriageway, the presence of the trees and the shading they provide mean that the fence merges into the street scene and has no material effect on its character or appearance when seen from the north east. It is more noticeable when approached from Headley Way, heading towards the hospital, owing to a gap in the tree screen and the step up in the fence height compared with the fence serving 94 Staunton Road. Nevertheless, it is not unduly prominent and does not significantly alter or detract from the character or appearance of the street scene or the surrounding area.
6. It is therefore concluded on the main issue that the proposed fence would have no materially detrimental effect on the character or appearance of the street scene of the access road serving the John Radcliffe Hospital. In consequence there would be no conflict with Policies CP1, CP8 or CP10 of the Oxford Local Plan 2001-2016, adopted in 2005, Policy CS18 of the Oxford Core Strategy 2026, adopted in 2011, or Policy HP9 of the Sites and Housing Plan 2011-2026, adopted in 2013, which taken together expect development to respect the character and appearance of the area by responding appropriately to the site and its surroundings, maintaining or enhancing the streetscape and creating an appropriate visual relationship with the surrounding area.
7. The appellant argues further that the fence is necessary to provide privacy, security and noise protection for his property. Whilst a lower fence could, if coupled with other security measures, provide adequate security I am satisfied that the additional height would provide added privacy and protection from traffic noise. In this busy, noisy location where traffic is to be expected 24 hours a day, seven days a week the reasonable desire of the appellant to protect the living conditions of himself and his family, which would apply equally to future occupiers of the dwelling, adds to the weight in favour of allowing the proposed fence.
8. The Council suggests one condition, requiring the development to be carried out in accordance with the approved plans. However, as the development has already been completed this condition is not necessary.
9. For the reasons set out above and having regard to all other matters raised I conclude that the appeal should be allowed.

KE Down
INSPECTOR