
Appeal Decision

Site visit made on 12 April 2017

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 13th April 2017.

Appeal Ref: APP/U1105/D/17/3170364

1 Grindle Way, Clyst St Mary, Exeter, EX5 1DF

- 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 Martin Waistell against the decision of East Devon District Council.
 - The application Ref 16/2405/FUL, dated 7 October 2016, was refused by notice dated 14 December 2016.
 - The development proposed is erection of boundary fence to front, rear and side (up to 2m in height).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed fence, which has already been erected, on the character and appearance of the area.

Reasons

3. The fence which is the subject of the appeal, encloses the gardens of the Appellant's two-storey detached house, 1 Grindle Way, which is situated at the junction of Clyst Valley Road and Grindle way within a maturely landscaped residential area. The close boarded Cedar Wood fence reaches a height of around 2m and wraps around part of the curtilage. This includes its boundary to the back of the footpath along Clyst St Mary Road to the east, along two stretches either side of the host property, continuing its building line facing Grindle Way to the north, and also along about two-thirds of the boundary between the host property and 67 Clyst St Mary Road to the south, from the back of the footpath to about half way along the northern boundary of no. 67.
4. The surrounding area is a largely open plan housing estate, where the dwellings are well set back from the roads, with extensive green verges and significant tree cover. The fencing detracts from the open and verdant character of the area due to its height, massing and use of close boarded timber; this is heightened by its prominent location on a corner plot and its impact is instantly noticeable from a considerable distance away from the site.

5. Taking all of the above matters into consideration, I conclude that the fence is contrary to national planning policy, as expressed in *the Framework*¹, which states that planning decisions should aim to ensure that developments should respond to local character (paragraph 58[4]). It is also contrary to Local Plan² policy D1, which requires development to respect the key characteristics and special qualities of the area in which the development is proposed.
6. The Appellant comments that the previous trees that were present at the site were significantly higher than the fence that was erected following their removal. I also note the reasons given for removing the previous hedge, which the local parish council considered to be a safety hazard.
7. In response to these comments, firstly it is not now possible for me to fully consider on site the impact of the high trees as they have been cleared. However, at my site visit, it was very clear that the industrial style fencing which has been erected is completely out of character with the pleasant, open and verdant quality of the streetscene, irrespective of the previous situation. I appreciate that timber weathers with age and that its visual effect may become less stark in future, but its height, massing and use of continuous timber panels would mean that the fence would continue to be alien to the streetscene were I minded to allow the appeal.
8. I am not aware of the detailed circumstances relating to the other planning decisions quoted by the Appellant and I therefore cannot give this evidence much weight. I consider that the existence of nearby unsympathetic development, if that is what it is, should not be a reason to allow further inappropriate development in such a traditional and established suburban environment. I also consider that these other developments do not set a precedent for me to follow, and I have determined the appeal on its own merits, bearing in mind the specific context of the site and its surroundings.
9. In conclusion, I have found that the fence which is the subject of the appeal harms the character and appearance of the appeal property and the surrounding residential area, contrary to national policy and the development plan. For the reasons given and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR

¹ DCLG: National Planning Policy Framework (*the Framework*); March 2012.

² East Devon Local Plan 2013 to 2031; adopted 28 January 2016.