
Appeal Decision

Site visit made on 18 April 2017

by Janet Wilson BA (Hons) BTP MRTPI DMS

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

Decision date: 16th May 2017

Appeal Ref: APP/D0121/D/17/3168633

18 Greengage Close, Weston-Super-Mare BS22 8GG

- 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 Robert Lamb against the decision of North Somerset Council.
 - The application Ref 16/P/1640/F, dated 9 June 2016, was refused by notice dated 14 November 2016.
 - The development proposed is railings to boundary enclosing front garden.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Amended plans were accepted by the Council during the application process. These plans are the block and site plan dated 12 October 2016 and the railing details from an unnumbered and undated plan entitled '*Scottys Gates*'. I have dealt with the appeal on the basis of these plans.

Main Issue

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

Reasons

4. The property is located on the edge of a modern housing development facing onto public open space which results in a degree of visual prominence. Parking areas in the cul-de-sac and the wider estate are characterised by hard surfaced areas delineated, in the main, by changes in surface treatment. Some parking areas have planted boundaries but they are predominantly uninterrupted with a distinctive open character.
 5. The front garden to the appeal property is hard surfaced; visually it is a continuation of the existing parking area. Whilst not being used for parking at the time of my visit the dropped kerb suggests it could also be used for this purpose. The introduction of railings, around 1.2 metres in height would introduce a hard and incongruous feature into this open area resulting in an uncharacteristic enclosure of the front garden. This would be visually prominent in this open area and out of keeping with the simplicity of the overall design which is safeguarded by restricted permitted development rights, more so due to the proximity to adjacent public open space.
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6. I note that the railings would be of simple design, however I do not consider that their use in the manner proposed would be sympathetic to the established character of the street scene for the reasons set out above.
7. As a result I find that the proposal would have a harmful effect on the character and appearance of the street scene and would conflict with Policies CS12 of the North Somerset Core Strategy and DM32 of the North Somerset Sites and Policies Plan (Part 1). These policies seek, amongst other things, to ensure that development respects the characteristics of the site and townscape and demonstrates sensitivity to existing local character.

Other matters

8. The appellant has stated that the erection of a wall or fence 1 metre in height would not require planning permission. The Council set out in the report that permitted development rights for boundary treatments have been removed in order to protect the designed openness. A 1 metre fence could not therefore be erected without consent and consequently does not alter my decision.
9. It has been put to me that the railings would; deter the public from walking across and moving wheelie bins across the property; prevent damage to landscaping and assist secure by design by discouraging potential burglars. There is limited evidence in relation to these points. Even if I were to agree that these issues were problematic they would not outweigh the harm that I have identified above.
10. Representations from adjoining occupiers have drawn attention to land ownership issues stating that the railings would encroach onto land outside the ownership of the appellant. I noted on my visit that adjustments have been made to the alignment of hard surfacing since the photographs contained in the representations were taken. Whilst it is not clear if this matter has been resolved it is, in any event, beyond the scope of this appeal and does not alter my conclusion.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Janet Wilson

INSPECTOR