

Appeal Decision

Site visit made on 3 May 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 17th May 2017

Appeal Ref: APP/P1133/D/17/3170902

26 Beacon Drive, Daracombe Gardens, Newton Abbot, TQ12 1GG

- 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 Adam Chetnik against the decision of Teignbridge District Council.
 - The application Ref 16/02579/FUL, dated 21 September 2016, was refused by notice dated 13 December 2016.
 - The development proposed is the erection of close boarded wooden fence to rear boundary.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of close boarded wooden fence to rear boundary at 26 Beacon Drive, Daracombe Gardens, Newton Abbot, TQ12 1GG in accordance with the terms of the application, Ref 16/02579/FUL, dated 21 September 2016.

Preliminary Matter

2. The application was retrospective and the fence was in position at the time of my visit.

Main Issue

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

Reasons

4. The appeal relates to a boundary enclosure at the foot of a rear garden to No 26 Beacon Drive, a detached dwelling on a reasonable sized plot set within a recently built residential estate. The plot backs on to woodland that contains many mature trees and which I understand to be covered by a Tree Preservation Order. At the time of my visit I saw an access was under construction to the side of No 26 leading from Beacon Drive to provide public entry into the woodland area.
 5. The fence that has been constructed is just over 2m in height when measured from the ground level beyond the application site. It encloses the property's
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rear garden and adjoins a solid brick built boundary wall at an equivalent height that runs along the plot's side boundary adjacent to the adjoining access route.

6. The fence is openly visible from the unfinished path that leads into the woodland. However, it appears as a typical form of enclosure that is appropriate to its residential setting in terms of its scale, height and materials. I saw during my visit several examples of other timber fencing that was clearly visible from the land to the rear of the appeal site. Whilst they were all different in terms of their position and orientation, it was evident that such enclosures were fairly commonplace features, none of which were seen to be intrusive or visually harmful given the developed backdrop against which they were all seen.
7. The Council has referred to the woodland as a '*sensitive area*'. Nevertheless, I note that the Council's tree officer raised no objection to the proposal and I have no evidence to suggest that the development has impacted upon the health or longevity of any nearby protected trees. Neither did I see any trees in close proximity to the fence that would have been likely to be affected. In my assessment the woodland provides a valuable visual buffer between the residential development at Beacon Drive and a further residential area beyond along Larkspur Drive. However, the fence runs along part of a boundary that clearly demarks the developed area and I find that neither the woodland's function, nor its visual qualities, are harmed or impacted by the fence that has been erected at the appeal property.
8. Overall, I find there to be no harm to the character or appearance of the area by reason of the fence's siting, height or materials. There is therefore no conflict with the aims and objectives of Policy WE8 of the Teignbridge Local Plan (TLP), adopted in 2014, which deals specifically with the impact of domestic extensions, ancillary domestic curtilage buildings and boundary treatments, or with TLP Policy S2 that deals with design quality. For these reasons there would be no conflict with the National Planning Policy Framework or the Planning Practice Guidance. In these circumstances I conclude that the development represents a sustainable form of development that is supported by TLP Policy S1A.
9. As the proposal is retrospective, I have no reason to impose any conditions.

Conclusion

10. For the reasons given, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR