

Appeal Decision

Site visit made on 8 May 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 23 May 2017

Appeal Ref: APP/P1235/D/17/3170630

6 Samphire Close, Weymouth DT4 7AU

- 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 Miss Chalon Osborne against the decision of Weymouth & Portland Borough Council.
 - The application, Ref. WP/16/00730/FUL, dated 9 September 2016, was refused by notice dated 18 January 2017.
 - The development proposed is the erection of a replacement fence.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have noted the description of the proposal on the application form and taken the points made into account but have used the shorter version on the Council's Notice of Refusal for the purposes of a summary in the final bullet point above. The fence has already been erected and the application is therefore for retrospective permission.

Main Issue

3. The main issue the effect of the fence on the appearance of the street scene of Samphire Close.

Reasons

4. The Council's concern is that the fence projects prominently towards the pavement at the front of Samphire Close and with its 1.9 metre height forms an incongruous feature harmful to visual amenity.
 5. I saw on my visit that the development including Samphire Close relies in part on open frontages for many of the houses so as to offset the relatively high building density and provide a perception of space with in many cases areas of lawn, hedges and shrubs to increase the visual amenity of the area.
 6. However, as the appellant points out with her photographs attached to the grounds of appeal, in a number of instances there are similar fences to this one and in positions on or close to the back of the pavement. In other cases the frontage areas are divided, with fences similar to the appellant's erected fairly near the house to provide an area of private garden and the remaining frontage up to the pavement left open to increase the visual amenity of the public realm.
-

I understand that this may have been the situation in this case before the old fence was removed and the new one erected.

7. Given the constraints of the housing layout in the area this part enclosure / part open arrangement appears to be a reasonable compromise between the residents' need for a private area outside their homes and the objective of maintaining the visual amenity of Samphire Close and nearby roads. However, in the case of No. 6 the combination of position, alignment and height of the fence as erected is in my view significantly detrimental to the street scene.
8. I have some sympathy with the appellant, as given the other cases of fences of the same or similar height adjoining or close to the pavement she is at a loss to understand why hers has been refused permission. I suspect that there may be different planning circumstances in at least some of the cases of which I have not been informed, and if necessary the Council can explain these to the appellant.
9. Be that as it may, most of them do not appear to be quite as prominent and draw the eye as harmfully as in this case, whilst in any event they are not examples that I can reasonably contemplate as following because of the further harm that would be caused if I were to allow the appeal.
10. I have taken all the other matters raised into account but overall I conclude that the fence has an unacceptable effect on the appearance of the Samphire Close street scene. This is in conflict with Policy ENV10 of the West Dorset, Weymouth & Portland Local Plan 2015 and Government policy in Section 7: 'Requiring Good Design' of the National Planning Policy Framework 2012.
11. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR