The Planning Inspectorate

Appeal Decision

Site visit made on 13 June 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 06 July 2017

Appeal Ref: APP/W1850/D/17/3171079
19 St James Close, Bartestree, Hereford HR1 4AY

- 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 Mark Robinson against the decision of Herefordshire Council.
- The application Ref 163750, dated 22 November 2016, was refused by notice dated 20 January 2017.
- The development proposed is erection of fence to enclose side garden.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal contained in the planning application form includes wider information about the site, the reasons for the proposal and refers to consultation with neighbours. As those matters are not 'development' I have omitted them from the description of development in the banner heading above. The edited version sufficiently describes the proposal and is the same as that used in the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the existing property and the area.

Reasons

4. The appeal site comprises a two storey dwelling on a corner plot along St James Close. It is part of a relatively new development with red brick houses of similar designs set back from the road. The area is characterised by open frontages with grassed elements and low level shrubs. The rear garden of the appeal property is separated by a high red brick wall from an open grassed area next to the pavement and road to the east

5. It is proposed to replace most of the length of the brick wall with an equally high wooden fence, although in a different position much closer to the road. The existing wall runs from near the chimney breast and alongside the eastern side elevation of the house and then garden, before meeting a boundary fence to the rear. The proposed wooden fence would begin further south, close to the front elevation of the house, and extend outwards towards the highway before running north only about a metre or so from the pavement and road.

6. Given that there are no other wooden fences in immediate view alongside that part of the road, the introduction of a high wooden fence would appear incongruous. Moreover, the existing wall, although also high, is set well back from the road and close to the side of the house. Therefore, its position and the use of brickwork which blends in with the house mean that it does not draw the eye. The repositioning of the apparent boundary much closer to the road, and the use of a high wooden fence to demarcate it, would appear much more prominent in the street scene and strike a discordant note compared with the open nature of much of the area. I do not consider that the adverse effect could be sufficiently mitigated by shrubbery or planting in front of the fence.

7. Although I appreciate that, according to the appellant, the relevant area of verge is within his ownership, there are other open grassed areas alongside the road. For example, to the side of the house at the entrance to the estate. Enclosing the grass area to the side of the appeal property would reduce the sense of openness generally characteristic of the layout of the estate. It would because of its scale, position and prominence also have a detrimental effect on the perception of the existing appeal property.

8. The appellant advises that a nearby property has a similar brick side wall which is closer to road and, therefore, does not reflect an open character. Whilst that may be, the main part of the road is characterised by a predominantly open layout, as I have already described. In any case, the existence of another similar red brick side wall indicates that they were part of the original design and layout of the estate and, therefore, contribute to its character. Whilst there are some other wooden fences they are not in such prominent locations.

9. It is submitted by the appellant that the open plan aspect of the estate is 'flawed' and that other newer developments have different layouts incorporating high fences. I take a different view and consider that the open layout gives a pleasing inclusive feeling of spaciousness whilst the design also accommodates private areas including rear gardens. In any event, I must consider whether the proposal adversely affects the character of area as it is.

10. The appellant refers to an allegedly similar proposal implemented in Roman Way, Ross-on-Wye. However, I do not have full details of that scheme or any related planning permission. Therefore, I do not know the circumstances that led to approval being given in that case, assuming that planning permission was given, and cannot make a direct comparison between it and the appeal proposal. In any event, I have determined the appeal before me on its own merits.

11. Whilst I note that the appeal proposal did not attract objections from the Parish Council or neighbours, I am still required to objectively consider its likely effects. Therefore, the lack of objections does not cause to alter my decision.

12. The above factors lead me to conclude that the proposed development would harm the character and appearance of the existing property and the area. It follows that it would conflict with Policy SD1 of the Herefordshire Local Plan Core Strategy 2011-2031[1], which, amongst other things, requires that development takes into account local context and site characteristics and makes a positive contribution to the character of the area.

[1] Adopted October 2015

Other Matters

13. The appellant refers to the Council's description of the grassed area as *'what appears to be amenity land adjacent to the highway'*, commenting that members of the public also treat it as public land when, according to the appellant, it is part of his property. I note that the appellant advises that the open area is subject to dog fouling and that the public use it as a pedestrian shortcut or are sometimes forced to walk on it due to inconsiderate parking.

14. I also acknowledge the appellant's wish to more clearly define public and private spaces and to increase the usable garden area of his property, as he has recently added a conservatory. However, the planning system is generally more focussed on the wider public interest rather than personal circumstances, unless exceptional personal need can be evidenced. Therefore, whilst I note the appellant's desire to enclose the land, which he advises is part of his garden, I can only give such matters more limited weight. Consequently, although I have taken those issues into account, they do not cause me to alter my decision.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR