
Appeal Decision

Site visit made on 31 July 2017

by Mrs J Wilson BA BTP MRTPI DMS

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

Decision date: 11th August 2017

Appeal Ref: APP/F0114/W/17/3172970

Avalon House, Dunkerton Hill, Dunkerton, Bath, Avon BA2 8BR

- 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 Nathan McKenna against the decision of Bath & North East Somerset Council.
 - The application Ref 16/05256/FUL, dated 22 March 2016, was refused by notice dated 12 January 2017.
 - The development proposed is described as the removal of old fence and replace with a small wall and feathered edge panel between pillars up to the entrance gate, after gate removal of old fence behind hedges and replace with a new feathered edge fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the life of both appeals the Bath and North East Somerset Placemaking Plan was adopted (July 2017). References in the appeal to the emerging policies have been superseded and I give them no weight. Policies in the Placemaking plan are given full weight as adopted policies. Parties have been afforded the opportunity to make representations on this change in circumstances.
3. At the time of my visit additional fencing had been placed which obscures the wall between the gate and the corner of the house. However, this aspect is not before me and I am determining the appeal on the basis of the appeal submission.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. Avalon House is located immediately adjacent to the carriageway of the A367, it is especially prominent when approaching from the south as the road rises up from the bridge and the house is elevated from the road. The boundary is also located tight to the roadside edge where there is no pavement. Original boundary treatment is a stone wall either side of gate piers, the ground level within the garden set around a metre higher than the road.

6. The appeal proposal is already in place immediately adjacent to the stone wall. The overall height of the wall and fence above the carriageway is around 3 metres and this is particularly prominent on the roadside edge.
7. The wall and fence are solid and form the boundary to the whole of the roadside frontage either side of the gate. This represents a hard visual feature in an open countryside location where boundaries are typically walls with hedging behind or topping roadside banks. The fence of this height and length is overly dominant in the context of the rural setting; it is out of keeping with the appearance of the host property and has a significant and harmful impact on the rural feel of the area detracting from its character and appearance.
8. For the above reasons the development is in conflict with policies D.1 and D.2 of the Bath and North East Somerset Placemaking Plan (2017) which requires development to contribute positively to local distinctiveness, site context and local character in relation to building form, materials and boundary treatments.
9. Policy D.6 of the same plan has been referenced in the decision notice. However this policy relates to avoiding harm to private amenity in terms of privacy, light and outlook/overlooking and as such is not relevant here.

Other matters

10. The appellant has outlined a need to enclose the garden to prevent a fall hazard and to ensure his young family and pet have a safe environment to enjoy the garden and enclosure is required in order to overcome the wind drag from passing lorries. I understand these reasons but am mindful that the proposal is not the only method through which the garden could be made safer and the requirement for the fence is based on the personal circumstances of the appellant and does not outweigh the harm which has been identified.

Conclusion

11. In the light of the above and having considered all other matters the appeal should be dismissed.

Janet Wilson

INSPECTOR