

Appeal Decision

Site visit made on 31 July 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/X1165/D/17/3176759

1 Smardon Close, Higher Furzeham, Brixham, Devon TQ5 8JP

- 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 Anthony Ryder against the decision of Torbay Council.
 - The application Ref P/2017/0182/HA, dated 15 February 2017, was refused by notice dated 4 May 2017.
 - The development proposed is described as to add feather board fencing to existing low brick boundary wall to a height of between 1.5m and 1.8m depending on the drop of the pavement.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made retrospectively. However, at the time of my visit I saw that the boundary fence had been largely dismantled with only regular spaced fence posts remaining with some low level feather boarding just above the height of the original low boundary wall.
3. The appellant has requested that the appeal be considered on the basis of a reduction in the height of the proposed fence to 1.3m. However, I am mindful that the appeal process should not be used to evolve a scheme and that the appeal should be considered on the basis of the scheme and the plans which were before the local planning authority when it made its decision. Furthermore, no revised plans have been submitted with the appeal and as such I could not be clear about the precise differences between the amended and original proposals. I have therefore considered the appeal on the basis of the application as originally made.

Main Issue

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

5. The appeal property is a semi-detached bungalow occupying a corner plot at the junction of Smardon Close with Smardon Avenue and located within a wider residential area comprising similar properties.
6. I saw during my visit that the majority of dwellings in the local area have dwarf brick walls to their front boundaries and positioned at the back edges of the pavements. Many have been supplemented in a variety of ways over time including with timber fence panels in some instances. However, whilst there is considerably more height to many front boundaries in the area than would have originally been the case, the vast majority either maintain a degree of openness to the roadside or otherwise impart a complementary soft and verdant form of enclosure to the street scene through the use of natural vegetation.
7. Due to its corner location, No 1 Smardon Close has an extensive kerbside frontage. Through a combination of its height and length, I find that the proposed fence would appear dominant and intrusive within the street scene. It would create a harsh edge to the back edge of the pavement that would run for some considerable distance along the return boundary to Smardon Avenue and which would continue into Smardon Close. Its largely continuous and featureless length, save for a pedestrian width access onto Smardon Close, and wrap-around form would stand out within the immediate area as noticeably different and incongruous in its setting. Whilst I have not been made aware of any specific 'open plan garden policy' for the area, as suggested by the appellant, the proposed boundary fence would conflict with Policy DE1 *Design* of the Adopted Torbay Local Plan 2012-2030 in that it would fail to successfully integrate with the existing street scene and surrounding context.
8. I have carefully considered the photographs taken locally where high boundary fences have been erected, including to some corner properties. Many I saw for myself during my visit. However, I do not know the planning history to any of these. Furthermore, whilst each and every proposal must be considered on its own merits, many of these other examples demonstrate to me the intrusive nature and visual harm that can be caused by insensitive boundary enclosures.
9. I appreciate the appellant's desire to provide security and privacy to their property but neither this, nor any of the other issues raised, outweighs the harm to the character and appearance of the area and the identified conflict with the development plan. The appeal is therefore dismissed.

John D Allan

INSPECTOR