



Appeal Decision

Site visit made on 12 December 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 13th December 2017

Appeal Ref: APP/P1235/W/17/3181191

39 Bridlebank Way, Weymouth DT3 5RA

- 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 Mrs Matthews against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/17/00267/FUL, dated 13 March 2017, was refused by notice dated 9 May 2017.
 - The development proposed is the erection of a fence to the boundary and a change of use of land from parking to garden.
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Decision

1. The appeal is dismissed.

Procedural matter

2. At the time of my site inspection a fence around the appeal site was in situ and the change of use had taken place.

Main Issue

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

Reasons

Character and appearance

4. Number 39 Bridlebank Way is an end terrace house which sits next to the junction with Came Down Close. Prior to the erection of the fence, there would have been an open area located to the side of this property. There is a similar space to the side of No.37 which also sits adjacent to the junction. Together these areas would have resulted in an open and spacious appearance to the area which would have positively contributed to its character.
5. It is apparent that a boundary built from brick walling and some fencing had previously been erected around part of this space at the appeal site. The Council has raised doubts as to whether this is lawful and I have no convincing evidence either way. In any event, its small scale is such that, by itself, it would not have fundamentally undermined the open character of this area. The enclosure of a greater area of this space has resulted in a significant loss of the open nature of the site. It has harmfully undermined the open character which previously would have been created by these spaces.
6. The appellant has referred to the fencing that can be found in the locality in general terms and indicated some specific examples. Fencing is common in the area. However it is not the nature of the boundary treatment, in itself, that

results in harm. Rather it is the effect the development has had on the open nature of the space and the contribution that space would have made when taken together with the land opposite. In this regard none of the examples are directly comparable to the appeal site.

7. I therefore conclude that the development has harmed the character and appearance of the area. It does not accord with the design aims of Policy ENV10 of the West Dorset, Weymouth & Portland Local Plan.

Other matters

8. There are benefits to the appellant through an increase in garden area, with the fence providing privacy. However the appellant previously already benefited from a reasonably sized garden and so I give this private benefit only limited weight.
9. The development is not overbearing and so no harm has arisen to the living conditions of the occupiers of any neighbouring property and it does not obstruct visibility. These are neutral factors but they do not weigh in favour of the development.

Conclusion

10. The benefits of the development to the appellant do not outweigh the harm that has arisen to the character and appearance of the area. The proposal does not accord with the development plan when it is taken as a whole. I conclude that the appeal should be dismissed.

K Taylor

INSPECTOR