



Appeal Decision

Site visit made on 3 September 2019

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/Y3940/D/19/3231556

21 Forty Acres Road, Devizes, SN10 3DF.

- 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 K Bodman against the decision of Wiltshire Council.
 - The application Ref. 18/11876/FUL, dated 18 October 2018, was refused by notice dated 10 April 2019.
 - The development proposed is the erection of a 1 metre high fence attached to existing wall on front and side garden boundaries (retrospective).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the fence on highway safety; and
 - The effect on the character and appearance of the area.

Reasons

Background

3. The appeal site comprises the curtilage of the host end-terrace property which lies on the inside of a right angled corner in Forty Acres Road which serves a mainly residential area. The timber fence proposed and erected is situated on top of a low brick wall on the front/side boundary of the property and the submitted plans indicate that the combined height of wall/fence is 1.8m and the length around the sweeping corner is some 30m with returns at each end. The property has an access at the side off Kingsley Gardens leading to garaging and a parking forecourt.

Policy context

4. The development plan includes the Council's Core Strategy (CS) adopted in 2015. The Council has also submitted a copy of the Devizes Neighbourhood Plan, but it is not clear to me that any aspect of this plan is relevant to the appeal.

Effect on highway safety

5. The local roads are subject to a 20 mph speed restriction and at my visit I noted that there was layby parking on the opposite side of Forty Acres Road

and sporadic on-street parking. I considered the effect of the fence on highway safety on foot and in driving around the bend from both directions. I concluded that the height of the low brick wall around the corner would have afforded some visibility of on-coming traffic approaching in either direction around the bend, whereas the timber fence erected on top of the wall severely restricts forward visibility around the sweep of the road. Further, the position and height of the timber fence restricts the view of drivers exiting from the garage/parking area at the host property which reduces the time in which they would see pedestrians on the pavement. On the basis of my observations I agree with the objections put forward by the highway authority that the erection of the fence is harmful to highway safety. It therefore conflicts with the provisions of CS Policy 61(ii) which seeks to ensure safe access to the highway.

6. The appellant refers to other properties in the vicinity of the site where she says that there are high fences, however, it appeared to me at my visit that generally the surrounding housing development contained low hedges and fences along front boundaries and I did not see similar circumstances to the appeal site in terms of a high fence having a direct effect on highway visibility.

Effect on character and appearance

7. The general form of the local estate is semi-detached and terraced properties with small front gardens some of which are now used for parking. As indicated above, front boundaries tend to be open or have hedge/shrub planting or low fences. In contrast, the fence/wall the subject of the appeal has a substantial enclosing effect because of its height, length and prominence on the corner. I find that it has an imposing and harmful impact on the character and appearance of the local housing area. As such it conflicts with CS Policy 57 (iii) as it does not respond positively to the existing townscape or integrate effectively into the existing building's setting.

Planning balance

8. Bringing together my conclusions on the main issues, I have found that the erection of the fence is harmful to highway safety and to the character and appearance of the area. It also conflicts with the parts of the development plan that I have referred to.
9. This harm has to be balanced with other considerations. I appreciate that the wall/fence encloses the main garden of the property which lies at the side and the appellant wishes to provide a safe enclosed environment for her family. I noted a trampoline within the garden over the top of the fence enclosure. The fence is also said to be needed to prevent litter and dog mess. However, the provision of a high fence as erected is not the only way of achieving these aims without causing the environmental harm that I have identified, and the appellant has set out possible alternatives open to her.
10. I have also looked at the other examples of enclosures referred to but these do not appear to be similar to the appeal site fence or result in significant harm. I am therefore not able to apply much weight to any precedent claimed to be set.
11. On balance I find that the harm that occurs is not outweighed by any other factor, including the personal circumstances put forward, and this indicates that

the appeal should be dismissed. A refusal of permission is necessary and proportionate in the public interest.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR