
Appeal Decision

Site visit made on 21 August 2019

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2019

Appeal Ref: APP/T3725/D/19/3230657

1 Huddisdon Close, Woodloes Park, Warwick CV34 5TP

- 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 David Thomas against the decision of Warwick District Council.
 - The application Ref W/18/2119, dated 2 November 2018, was refused by notice dated 29 April 2019.
 - The development is erection of a 1.98m high fence to the southern boundary.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fence has been erected and accordingly I am considering this appeal on that basis.
3. I have used the description of development from the Council's decision notice. It adequately and simply describes the development instead of the much longer and detailed description given on the application form. I have however omitted the words (retrospective application) as these are not a description of development.
4. The Council's decision notice references the previous Local Plan date rather than that of the current adopted Local Plan. I am satisfied through the Officer Report that it is Policy BE1 of the Warwick District Local Plan (2017) upon which the reason for refusal is based.

Main Issue

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

Reasons

6. The appeal site is located within an area of green space that runs along Hayle Avenue. It is an attractive open plan residential estate characterised by a network of green space and tree cover which gives the estate an open pleasant character. Boundary fences are generally set back from the highway separated by green spaces, which I noted from my site visit were generally well maintained. The network of greenspace in this residential area is important to its character.

7. The fence has been erected extending the southern boundary of 1 Huddisdon Close into this green space. It is approximately 1.98m in height and runs for a considerable length along this green space before returning to meet the pre-existing fence line. The fence is visually prominent and forms an incongruous feature, intruding significantly into and disrupting this linear greenspace and having a harmful effect on the openness of this area. It therefore has a detrimental effect on the character of the area and detracts from the prevailing open and green character of the street scene.
8. I acknowledge the appellant's concerns over maintenance of this land and their requirements for a replacement fence for security and privacy. I also acknowledge the willingness to introduce hedge planting alongside the fence, which could have been secured by condition were I minded to allow the appeal. However, while this could soften the appearance of the fence to some degree, it does not outweigh the significant harm that the enclosing of this part of the green space has to the street scene and the general character of the area.
9. I conclude that the development results in harm to the character and appearance of the area and conflicts with Policy BE1 of the Warwick District Local Plan (2017) which seeks to ensure development positively contributes to the character and quality of the environment through good layout and design with particular regard to harmonising with or enhancing the existing settlement.
10. Whilst I note that the appellant considers that a precedent has been set with the granting of a previous planning permission for a fence within the wider estate, the circumstances are different. I have in any event determined this appeal on its own merits and on the basis of the evidence before me and I find the loss of this greenspace has a harmful effect on the character and appearance of the area. I acknowledge the appellants frustration that similar fencing has been constructed in the nearby area, which they claim the Council has not taken action against. However, its existence does not justify further harm.

Conclusion

11. For the above reasons, the appeal is dismissed.

Stephen Thomas

INSPECTOR