



Appeal Decision

Site visit made on 2 October 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2019

Appeal Ref: APP/P2114/D/19/3230339

8 Mountbatten Avenue, Cowes, PO31 8HE

- 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 Kevin Newell against the decision of Isle of Wight Council.
 - The application Ref P/00092/19, dated 29 January 2019, was refused by notice dated 12 April 2019.
 - The development proposed is described as 'Remove existing 2.5 metre high leylandii hedgerow which runs along the south / south east boundary of the property and replace with close board fencing and gravel boards. Erect 2mtr high fence along the side (south East) of the property on the boundary between the house and public footpath coming parallel to the east corner (front face corner /side of property). Including same fence type to close off the side garden where it meets the side of the property to maintain security of the rear and side garden of the property. At the rear of the property (south west) replace existing fencing to a height of 8ft to maintain privacy from adjoining property which overlooks directly into the garden and rear bedrooms. Fencing will match existing fencing of adjoining property (number 6 Mountbatten) to ensure that it is in keeping with the existing property'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

3. The appeal property is a detached bungalow which is located on the corner of Mountbatten Avenue, near to the junction with Edinburgh Close. The side boundary of the property that faces Mountbatten Avenue is defined by a mature hedge, which is about 2.5 metres high, and runs from the front elevation of the property to the rear boundary. The rear boundary is defined by an existing timber fence.
4. The surrounding area has a suburban residential character and there are a variety of property types along Mountbatten Avenue and Edinburgh Close. The properties are typically semi-detached or detached and set back from the highway behind large front gardens. The front garden areas are typically well landscaped, with the front boundaries being either unenclosed or defined by mature hedges.

5. The properties which face the junction of Mountbatten Avenue and Edinburgh Close predominately have mature hedges to define the boundaries that are parallel to the public highway. The boundary hedges contribute positively to the open plan nature of the estate and create a verdant character.
6. It is proposed to remove the existing hedge at the appeal site and erect a 2 metre high timber fence, which would run from the front elevation of the appeal property to the rear boundary. The existing rear boundary fence would also be replaced with a 2.4 metre high timber fence.
7. The appellant argues that the existing hedgerow is in a deteriorating condition and therefore it no longer provides adequate security for the appeal property, nor is it an effective deterrent from antisocial behaviour. However, no substantive evidence has been put forward in relation to the health of the existing hedgerow and its life expectancy. As such, I have afforded this matter limited weight in the overall planning balance.
8. The appellant points out that there are several properties in the local area which have erected timber fences to define boundaries that are parallel to the public highway. Whilst I accept that there are some examples of fences present within the local area, overall this is the exception rather than the norm. Furthermore, at the junction of Mountbatten Avenue and Edinburgh Close where the appeal site is located, the existence of timber fencing is very limited and hence this part of the street has a verdant character. As such, I have afforded the existence of other timber fences in the local area limited weight in the overall planning balance.
9. The removal of the hedge and the introduction of a timber fence along the side boundary of the appeal site would be at odds with the open plan nature of the estate and the area's prevailing verdant character. As such, the proposal would be an incongruous and unduly prominent form of development when viewed from the street, which would cause significant harm to the character and appearance of the area.
10. For the collective reasons outlined above, I conclude that the proposal would significantly harm the character and appearance of the area. As such, the proposal would not accord with Policy DM2 of the Island Plan: The Isle of Wight Core Strategy (2012), which, amongst other things, requires development proposals to complement the character of the surrounding area.

Other Matters

11. I acknowledge that the removal of the existing hedge would improve visibility for pedestrians and road users at the junction of Mountbatten Avenue and Edinburgh Close. Such benefits would not be significant enough to alter or outweigh my conclusion on the main issue.
12. The main parties refer to a restrictive covenant at the appeal site, which relates to the erection of boundary treatments. However, this is a separate legal matter, which falls outside of the scope of this appeal.
13. I note that the Town Council and the Council's tree officer have no objection to the proposal. I also note that no letters of objection have been submitted by local residents. However, neither this nor the other matters raised outweigh or alter my conclusions on the main issue.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR