
Appeal Decision

Site visit made on 18 December 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/W3330/D/19/3238604

61 Gillards Close, Rockwell Green, Wellington TA21 9DX

- 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 Shaun Hill against the decision of Somerset West and Taunton Council.
 - The application Ref 43/19/0018, dated 23 February 2019, was refused by notice dated 27 September 2019.
 - The development proposed is erection of walls to the front and side and fencing to the side and rear.
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Decision

1. The appeal is allowed and planning permission is granted for erection of walls to the front and side and fencing to the side and rear at 61 Gillards Close, Rockwell Green, Wellington TA21 9DX in accordance with the terms of the application, Ref 43/19/0018, dated 23 February 2019, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 005_PL00_rev/; 005_PL03_rev/; 005_PL10_rev/; Scale 1:50 Front View; Scale 1:50 Side View.

Procedural Matters

2. The description of the development given on the application and appeal forms was very lengthy and contained matters that did not relate to the development proposed. For the purposes of clarity, I have adopted the description used by the council on its decision notice, which concisely and accurately describes the proposal.
3. I saw that the wall directly in front of the house and the fencing had already been constructed at the time of my site visit. I am therefore dealing with these elements of the proposal retrospectively.

Main Issue

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

Reasons

5. 61 Gillards Close is an end-terraced house on a residential estate dating from the late 1980s. It lies at the head of a cul de sac, so forms a terminating view when looking down the Close from the east. It occupies a slightly elevated position relative to the turning head, which it is separated from by a small front garden. The estate comprises of two-storey detached, semi-detached and terraced houses of brick construction with concrete tiled roofs. The properties are arranged around standard tarmacked residential estate roads, with kerbed pavements. The houses generally have small, unenclosed front gardens, some of which are lawned and others gravelled. As a result, the area has a typically suburban character.
6. The proposals involve the enclosure of the rear garden with a 1.88m high close-board fence, together with a 900mm high brick wall to the front of the property, which would also extend around part of the side boundary to meet the fence. The drawings specify bricks to match the house, and I saw that those used in the portion of the wall that has already been constructed are very similar in colour.
7. The evidence provided by the council indicates that the 1.88m fences to the rear and side of the house are permitted development and do not therefore require planning permission. In any event, I saw that, as they are set back behind the line of buildings, they have little impact on the character and appearance of the area.
8. The wall would also normally be permitted development, but a condition attached to the original planning permission for the estate removes rights to erect means of enclosure forward of the front walls of the houses. The purpose of the condition is to maintain the openness of the street scene within the development. The fact that the proposed front and side boundary walls would be in breach of this condition does not, of itself, mean that they are unacceptable, but it does mean that planning permission is required and that their impact on the character and appearance of the area should be considered.
9. I was unable to identify walls or fences enclosing the front gardens of any other houses in the area. However, I did see a number of walls, fences, or combinations of the two, erected immediately on the back-edge of the pavement that enclose side and rear gardens. One such example, at 79 Gillards Close, is prominent in eastward views from outside the appeal property. Boundary enclosures close to the pavement are not, therefore, uncharacteristic of the estate.
10. The proposed wall would only be 900mm in height, so would not be an imposing feature in the street scene. The use of matching bricks means that it would assimilate into its surroundings without appearing incongruous. The house itself is at a higher level, so the top of the wall is at a similar height to the bottom of the front door. The entire house would therefore remain visible in views down the Close. The wall would not be at a height that concealed any activities beyond, and any planting in the front garden would be readily evident in the street scene. Consequently, the wall would not result in the house and front garden having an enclosed appearance.
11. I therefore find that the proposal would not harm the spacious suburban character and open appearance of the estate. It would therefore accord with

Policy DM1 of the Taunton Deane Adopted Site Allocations and Development Management Plan (2016), which seeks to ensure that development does not unacceptably harm the appearance and character of any affected street scene.

Other Matters

12. I have considered the impact of the development on the living conditions of the occupants of 65 Gillards Close. The fence and wall are not at such a height that there would be an appreciable loss of light to the window and door in the side elevation.

Conditions

13. As the development has already commenced, I do not need to impose the standard condition requiring implementation within a limited period. I have, however, imposed a condition identifying the approved plans to provide certainty.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR