



Appeal Decision

Site visit made on 10 March 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2020

Appeal Ref: APP/X1165/W/19/3242749

Glenmay, 16 Broadsands Road, Churston With Galmpton, Paignton TQ4 6JY

- 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 Melanie Taylor against the decision of Torbay Council.
 - The application Ref P/2019/0696, dated 1 July 2019, was refused by notice dated 23 September 2019.
 - The development proposed is described as application for retrospective planning permission for fencing around part of the boundary of 16 Broadsands Road. Please see supporting documents for full description.
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Decision

1. The appeal is allowed and planning permission is granted for fencing around part of boundary of property at Glenmay, 16 Broadsands Road, Churston With Galmpton, Paignton TQ4 6JY in accordance with the terms of the application, Ref P/2019/0696, dated 1 July 2019, and subject to the following condition:
 - 1) The development hereby permitted shall be implemented in accordance with the following approved plans: OS Map/Site Location (Ref P2019-0696-3); Site Plan @1:500; Existing elevations + section (Ref P2019-0696-4 inc section); and Proposed elevations + section (Ref P2019-0696-5).

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, the appeal form includes different wording which reflects the description in the Council's decision notice. I have used this revised description as it better captures the development's scope. However, I have omitted reference to 'retrospective' because such words are not acts of development.

Main Issue

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

Reasons

4. Forming a corner plot, the appeal site faces the junction of Broadsands Road and Bracken Rise. Properties in the surrounding area, including the site, are generally set-back behind front gardens. Boundary treatment which fronts the highway in the locality includes a mixture of fencing, low boundary walls and hedging/soft landscaping. The surrounding area therefore has a generally spacious character and an open but varied appearance.

5. The fence is situated above the existing low boundary wall. However, its height is not particularly significant. Due to topography, the site also slopes upwards from the fence, meaning that the property and part of its open front garden are, despite the fence, visible from the public realm. The fence is also positioned along the rear of the boundary wall. This set-back provides some space for soft landscaping in front of it, and I observed on my site visit that small plants had been planted along the full extent of the fence.
6. Accordingly, the fence does not erode or detract from the locality's spacious character. With other fencing nearby, including on the other side of Broadsands Road and near to the junction slightly higher up the road, the fence also reflects the appearance and pattern of development in the surrounding area and is therefore not experienced as an incongruous feature.
7. For the above reasons, I conclude that the development does not harm the character and appearance of the surrounding area. I therefore find that it accords with Policies DE1 of the Torbay Local Plan 2012-2030 and BH5 of the Brixham Neighbourhood Plan (BNP). Amongst other aspects, these require new development to be well-designed and respect the character and appearance of the surrounding area. The proposal is also consistent with the provisions in the National Planning Policy Framework regarding achieving well-designed places.

Other matters

8. The available evidence indicates that, prior to the erection of the fence, there was some soft landscaping, including hedging and shrubs, where the fence now stands. Concern has been raised about the loss of this soft landscaping and that the BNP underlines the importance of preserving hedgerows. However, the Council has not alleged that the loss of the previous hedge and shrubs is of itself contrary to the BNP, and I note that while the BNP seeks to protect and retain landscape features, including hedges, where-ever possible, it does not prohibit their loss. With planting in front of the hedge, it seems to me that the development would re-provide natural green features and thus provide habitat for wildlife. With each case determined on its own merits, and given the particular circumstances of this case and site, allowing the proposed development would also not set a precedent.

Conclusion and Conditions

9. For the above reasons, the appeal is allowed.
10. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. However, the standard time limit condition is not necessary because the development has already begun and the fence has been constructed. On this basis, a condition relating to the materials to be used in the construction of the external surfaces of the development is also unnecessary.

Tobias Gethin

INSPECTOR