The Planning Inspectorate

Appeal Decision

Site visit made on 28 January 2020 by Alex O'Doherty LLB(Hons) MSc

Decision by David M H Rose BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2020

Appeal Ref: APP/Y3940/D/19/3241304
31 Summerleaze, Trowbridge BA14 9HY

- 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 Jackson against the decision of Wiltshire Council.
- The application Ref 19/06410/FUL, dated 3 July 2019, was refused by notice dated 19 September 2019.
- The development proposed is described as, "erect wooden fence standing 1.8 metres."

Decision

1. The appeal is dismissed.

Procedural Matter

2. No elevation plans of the fence were submitted. However, I observed that a wooden fence had already been constructed, and therefore this appeal has been determined on the basis that the development has already been carried out.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

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

Reasons for the Recommendation

5. The appeal site is located on a street consisting of housing with predominantly open front gardens. Many properties have either low walls or low fencing as front boundary treatments. Whilst hedging is also present, views into front gardens remain. These views contribute to the open character of the area.

6. The constructed fence, at approximately 1.8m in height and approximately 9.8m in length, significantly reduces the contribution that the appeal site makes to the openness of the area. Its solid mass stands out as a poorly-integrated structure in the street scene, which undermines the sense of place in this location. Its prominent positioning, close to a bend, exacerbates its harmful effect on the character of the area.

7. The appellant has referred to the mixture and variety of flats and houses on the street, and that some hedges are unkempt, but these factors do not off-set the harm caused by the fence to the character and appearance of the surrounding area. Whilst the appellant has stated that the fence is required for security and crime prevention reasons, little evidence has been provided to support this argument, and therefore this matter has been given limited weight. I observed the fence at No 73 Summerleaze, but I do not consider that this fence offers a desirable precedent, and, in any event, it differs from the proposal before me as it screens a garden area to the side of the house as opposed to a front garden as in the case before me.

8. I therefore conclude that the development has an unacceptable and harmful effect on the character and appearance of the surrounding area. The development conflicts with Core Policy 57 of the Wiltshire Core Strategy (adopted January 2015) which seeks to ensure that new development makes a positive contribution to the character of Wiltshire through responding positively to the existing townscape and landscape features. The development also conflicts with paragraph 127 c) of the National Planning Policy Framework which provides that decisions should ensure that developments are sympathetic to local character.

Other Matters

9. The appellant has referred to a number of other matters, including: the cost of the fence; the conduct of the Council during the processing of the planning application; the wording used in the Council's decision notice; that the appellant was not aware of the requirement for planning permission; and that the fence does not cause any obstruction to visibility on the footway, nor impact on pedestrian safety. However, none of these matters are relevant to the main issue in this appeal.

Conclusion and Recommendation

10. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

David MH Rose

INSPECTOR