



Appeal Decision

Site visit made on 3 February 2020 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An appointed by the Secretary of State

Decision date: 1st April 2020

Appeal Ref: APP/D0121/D/19/3242360

55 Old Church Road, Uphill BS23 4XL

- 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 Miss Jackie Boardman against the decision of North Somerset Council.
 - The application Ref 19/P/2186/FUH, dated 2 September 2019, was refused by notice dated 11 November 2019.
 - The development proposed is described as the erection of a 6ft featheredge fence around the boundary at the front of the property.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Procedural Matter

3. I have assessed the proposal as erected because that is what the Council considered when it determined the planning application, and it is unclear as to the measurements of the fence as shown on the drawing in the appellant's statement. Should the appellant choose to reduce the height of the fence, it is of course open for them to do this.

Main Issue

4. The main issue in this case is the effect of the fence upon the character and appearance of the area including the Uphill Conservation Area (CA).

Reasons for Recommendation

5. The appeal property is prominently sited on the corner of Old Church Road and Westfield Close, within the settlement of Uphill, south of Weston Super Mare. The site is located within the Uphill CA, with the boundary of the CA extending around the property.
6. The details regarding the designation of this CA have not been provided to me, however it is evident that the special character of the area, particularly along Old Church Road, is derived from the high proportion of historic and traditional buildings along the road, with stone walled front boundaries and hedges. The general uniformity of traditional building materials and boundary treatments

- gives the CA a robust appearance and a cohesive historic character. Further north, outside the CA are more suburban modern dwellings and cul-de-sacs, set back from the road and with more of a variety of front boundary treatment.
7. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The close boarded fence is erected around the northern end boundary of the appeal site and is stark, visually intrusive and incongruous with the boundary treatments in the CA, due to its material, finish and height. It is particularly noticeable when approaching the site from the north at this important entrance into the CA. The fence detracts from the established character and appearance of the area and neither preserves nor enhances the character or appearance of the CA. It has a harmful effect upon the significance of the CA as a heritage asset.
 8. Given the localised impact of the development the harm that the fence has caused to the significance of the heritage asset is considered to be less than substantial. Paragraph 196 of the National Planning Policy Framework (the Framework) makes it clear that in such circumstances, this harm should be weighed against the public benefits of the development. I note the submissions made that the development improves privacy, however this matter whilst important to the appellant does not amount to a public benefit. The suggestion that the development improves security is not substantiated and this limits the weight that I can attach to this matter. Moreover, the alleged improvement to visibility of the drive is not substantiated and given the height of the fence and its position towards the back of the pavement it is unlikely that a vehicle exiting the site would be able to see other road users easily. Accordingly, I attach limited weight to this matter.
 9. The benefits advanced in support of the fence, at most carried limited weight and do not amount to public benefits which outweigh the harm that is caused to the significance of the CA as a heritage asset, to which I attach great weight as required by paragraph 193 of the Framework.
 10. In light of the foregoing, I conclude that the fence is harmful to the character and appearance of the area and the significance of the Uphill CA as a heritage asset. It does not improve the character and quality of the area. The development conflicts with Policies CS5 and CS12 of the North Somerset Council Core Strategy and Policies DM3 and DM32 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 which collectively require development to be of a high standard of design, respect the characteristics of the site, and conserve the historic environment. There is also conflict with the guidance set out in the Supplementary Planning Document 'Residential Design Guide – Section 2 Appearance and character of house extensions and alterations' (adopted 2014), which requires new boundary treatment be of an appropriate scale and material and to not harm the character of an area. Moreover, the development conflicts with the Framework, which amongst other matters requires development to be sympathetic to local character and sustain and enhance the significance of heritage assets.

Conclusion and Recommendation

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

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR