



Appeal Decision

Site visit made on 29 May 2020

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2020

Appeal Ref: APP/D0121/C/19/3243962

34 Clarence Grove Road, Weston-Super-Mare BS23 4AQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Adrian Gould against an enforcement notice issued by North Somerset Council.
 - The enforcement notice, numbered 19/00271/OTH, was issued on 21 November 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission the erection of a fence, shown marked blue on the attached plan¹.
 - The requirements of the notice are:
 1. Remove the fence (indicated by the blue line on the attached plan) and remove all resulting materials from the land, or,
 2. Lower the fence (indicated by the blue line on the attached plan) to a height not greater than 1 metre.
 - The period for compliance with the requirements is two months from when the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Summary Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a) – the deemed application for planning permission

Main Issue

2. The main issue in this case is the effect of the development subject of the enforcement notice on the character and/or appearance of the GWCA.

Reasons

3. The appeal site comprises a detached residential property within the Great Weston conservation area (GWCA). The surrounding area is predominantly residential and is broadly characterised by detached properties with open front gardens enclosed by low walls and landscaping. As the appeal property is a corner plot, the front and side garden share a boundary with the highway. Other than at the pedestrian and vehicle access to the site, the boundary with the highway is defined by a low stone wall together with a taller close board

¹ References in this heading to “the attached plan” are to the plan attached to the notice.

timber fence. The Council indicate that this fence is some 2.3 metres in height. The enforcement notice is directed at only part of this fence, which is the section that encloses the garden to the front of the property, adjacent to the drive and parking area.

4. The excessive height and length of the fence renders it an overly dominant feature within the street scene. The fence is of robust construction and its impact on the street scene is harsh. It has an overbearing effect for pedestrians walking along the footway next to it and it gives the property an unneighbourly appearance. In this regard the development is entirely at odds with the otherwise open and pleasant character of this residential area.
5. I have had regard to the appellant's desire for greater enclosure and the suggested benefits of reduced incidence of anti-social behaviour, but a more open frontage would allow for natural surveillance of the front garden and driveway by passers-by and neighbours. The suggested increased planting behind the fence is unlikely to have a softening or greening effect on the street and, therefore, despite support by a neighbour I find that the suggested benefits do not outweigh the harm I have found.
6. When considered in the context of chapter 16 of the National Planning Policy Framework, the development causes less than substantial harm to the significance of the GWCA. Nevertheless, none of the benefits suggested by the appellant, including an improvement for wildlife, would amount to public benefits that outweigh the harm I have identified to the designated heritage asset.
7. The fence subject of the enforcement notice is not an acceptable form of development and does not, therefore, preserve or enhance the character or the appearance of the GWCA heritage asset². Accordingly, the development is in conflict with policies CS5 (Landscape and historic environment) and CS12 (Achieving high quality design and place making) of the North Somerset Council Core Strategy adopted 2017. It is also in conflict with policies DM3 (Conservation Areas) and DM32 (High quality design and place-making) of the North Somerset Council Development Management Policies - Sites and Policies Plan (Part 1) Adopted July 2016. These policies say that development should be sensitive to the existing local character, conserve the historic environment of North Somerset, and not cause harm to the existing character and appearance of the conservation area. For these reasons the development fails to accord with paragraph 3.6.1 of the North Somerset Council Supplementary Planning Document: Residential Design Guide – section 2 (Appearance and character of house extensions and alterations) dated April 2014, as well as principles 1 and 2 of the North Somerset Council GWCA appraisal and management plan adopted 4 December 2018.

Conclusion

8. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

² The general duty as respects conservation areas in exercise of planning functions - Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Formal Decision

9. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

J Moss

INSPECTOR