
Appeal Decision

Site visit made on 30 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2020

Appeal Ref: APP/P0119/W/20/3248239

27 Swallow Drive, Patchway, South Gloucestershire BS34 5RF

- 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 Hardeep Konsal against the decision of South Gloucestershire Council.
 - The application Ref P19/11920/F, dated 16 October 2019, was refused by notice dated 29 November 2019.
 - The development proposed is erection of 2 metre fence to facilitate change of use of land from amenity open space to private amenity space (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the purposes of clarity and precision, the description of development given above is taken from the Council's decision notice.
3. I note that the application is retrospective and that the boundary fence has already been erected. For the avoidance of doubt, I have determined this appeal on the plans, as submitted with this appeal.

Main Issue

4. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

5. Swallow Drive comprises two circular cul-de-sacs that provide access to the rear of the properties. Separate footways pass through and around the estate which provide pedestrian only access to the front of the properties. These footways are contained within an open, landscaped setting. As a result, front gardens tend to be open. To the rear and side, properties have a mix of boundary treatments, with the predominate material being brick, although there are also a number of instances where timber fencing is used. Where present, boundary treatment runs directly adjacent to either the adjoining carriageway or footway. The appeal property is the end of a row of terrace properties, which is separated from the adjoining pair of semi-detached houses via a footpath, which runs to the side and rear of the appeal property.

6. The fence results in the enclosure and subsequent visual loss of an area of open amenity space. Such spaces are important features within the overall design of the estate, making an important contribution to the sense of openness that the specific design approach was seeking to create across the wider development. They form part of the open pedestrian footpaths through and round the estate, offering a well-designed and landscaped route, which is in contrast to the more car dominated cul-de-sac. The location and height of the fence significantly diminishes the open feel in this part of the estate, particularly through what is already a relatively narrow gap between the dwellings.
7. Moreover, whilst I acknowledge the presence of other timber fences within the estate, these are mainly located to the rear of the properties facing the road, the design and appearance of the fence is at odds with the brick walls or landscaping that border other pedestrian routes. As such, the fence appears as an incongruous and discordant addition to the area.
8. For the above reasons, I therefore conclude that the development would harm the character and appearance of the area and, in this respect, is contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy PSP1 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Place Plan (Adopted) November 2017 and the National Planning Policy Framework. These policies, amongst other things, seek to ensure that all new development is of a high-quality design and is integrated with and enhances the local character.

Other Matters

9. A number of other considerations have been put forward. The former brick-built wall is said to have been in a poor state of repair which posed a potential safety risk to users of the garden. The adjoining open space is also claimed to have been a focus for anti-social behaviour and a cause of disturbance to residents of the appeal property. The fence also provides privacy for the occupants of the appeal property and acts as a secure barrier to prevent possible intruders and provide security to the property. However, there is no evidence to suggest that these objectives could not be reasonably achieved by other, less harmful means. On this basis, these benefits do not outweigh the harm I have found and the subsequent conflict with the development plan.

Conclusion

10. I conclude, for the reasons outlined above, that the appeal should be dismissed.

Adrian Hunter

INSPECTOR