
Appeal Decision

Site visit made on 15 July 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 21 July 2020

Appeal Ref: APP/P1133/D/20/3248688
Firmoor, New Road, Teignmouth TQ14 8UF

- 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 Ms Juliet Oerton against the decision of Teignbridge District Council.
 - The application Ref 19/02334/FUL, dated 21 November 2019, was refused by notice dated 16 January 2020.
 - The development proposed is the retention of timber boundary fence.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of timber boundary fence at Firmoor, New Road, Teignmouth, TQ14 8UF in accordance with the terms of the application 19/02334/FUL, dated 21 November 2019, subject to the following condition:
 - 1) Within 3 months of the date of this permission, a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All landscaping works shall be carried out in accordance with the approved details in the first planting season following the written approval. Any hedge or planting within the approved details which are subsequently removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

Procedural Matters

2. I have amended the original description of development to reflect that provided within the Council's decision notice and as stated at section E of the appeal form in the interests of accuracy and consistency.

Background and Main Issue

3. At the time of the planning application, the timber boundary fence had been erected. The application has been submitted retrospectively, and consequently I have dealt with the appeal on that basis.
4. The main issue is the effect of the proposal on the street scene within New Road and Moor Close.

Reasons

5. The appeal property comprises a well-proportioned detached dwelling set within a generous plot on the northern side of New Road. The appeal property

is located within a residential area and occupies a prominent corner plot at a junction between New Road and Moor Close, with the appeal property set back from the highway and separated from it by a pedestrian footway.

6. The surrounding residential area is characterised by well-proportioned dwellings which are set back from the highway behind a variety of boundary types and designs. Whilst the prevailing form of boundary treatment within Moor Close comprises deep hedges, dwellings within New Road exhibit a variety of types of boundary between the relevant property and the public realm. Whilst there are some examples of hedging forming these boundaries, there are numerous examples of stone wall or timber fence boundaries at properties which front onto New Road close to the appeal site.
7. The appeal proposal would involve the retention of a timber fence which, the evidence before me indicates, is 1.65 metres in height. In this respect, and from observations made on my site visit, the proposed fence would be consistent with the height of other forms of boundary treatment which exist close to the appeal site within New Road and Moor Close. In my view, Firmoor is an attractive building, and I found on my site visit that the timber fence which had been constructed at the appeal site did not diminish the appreciation of the building's architectural qualities which remained evident and clearly visible from public views within New Road and Moor Close.
8. Given that the appeal proposal would replicate the height and appearance of the mixed forms of boundary which are to be found close to the appeal site, I conclude that the appeal scheme would not be harmful to the street scene within New Road or Moor Close. Whilst the appeal site is located at a prominent position, the timber fence would not appear as an incongruous addition and, in my view, would not have a dominating or overbearing effect on the street scene.
9. Notwithstanding the above, the proposed fence would not replicate the appearance of the hedge boundaries which are present within Moor Close. Accordingly, to mitigate any perceived harm to the character and appearance of the surrounding area and in order to mitigate the potential loss of biodiversity resulting from the removal of the previous hedge at the appeal site, I find it reasonable and necessary to impose a condition which would secure the mitigation offered by additional planting thereby softening the appearance of the existing fence.
10. In this respect, the implementation of appropriate soft landscaping within a strict timetable and retention thereafter would ensure that the existing fence would not appear out of place or be harmful to the character of Moor Close. Given that the development has been completed and accords with the plans submitted with the application, it is not necessary to apply any further conditions.
11. For the above reasons, subject to the identified condition, I conclude that the retention of the timber fence would not, on this occasion and in these specific circumstances, have a harmful effect on the street scene within New Road and Moor Close. The timber fence compliments the existing surrounding built form and allows for views of the appeal property whilst maintaining the privacy of residents.

12. The appeal scheme would not have a dominating or overbearing impact on the street scene or be harmful to the character and appearance of the surrounding area. Consequently, the appeal proposal would comply with Policy WE8 of the Teignbridge Local Plan 2013 -2033 and would accord with the provisions of paragraphs 127 and 130 of the National Planning Policy Framework.

Conclusion

13. For the reasons given above, the appeal succeeds and planning permission is granted subject to the condition identified above.

A Spencer-Peet

INSPECTOR