



Appeal Decision

Site visit made on 22 July 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2020

Appeal Ref: APP/Q4625/W/20/3251513

19 Fernhill Road, Olton, Solihull B92 7RU

- 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 Neil Morgan against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2019/02665/MINFHO, dated 12 October 2019, was refused by notice dated 28 January 2020.
 - The development proposed is erection of feather edge fence to replace boundary hedge.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development on the planning application form includes superfluous comments relating to the background to the application and points in support of the development. The description set out in the above header follows that on the Council's decision notice but omits the words 'retrospective planning application' and adds 'erection of' to include an act of development. Neither the appellant nor the Council have raised any objections to the revised wording and I am satisfied it accurately describes the appeal development. Accordingly, my assessment is based on the revised description.
3. At my site visit I saw that the fence has been erected and I have determined the appeal on this basis.

Main Issue

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

Reasons

5. The appeal property is on the corner of Fernhill Road and Baddesley Road in a residential area. Most of the fence subject of this appeal is on the roadside boundary and is clearly seen from the adjoining streets.
6. While various walls and fences can be seen at properties surrounding the site, these tend to be markedly lower than the appeal development or set back from the pavement so as to be unobtrusive. Fences of similar appearance, height and positioning exist in the wider area but most of these are not visible from the appeal site and so do not influence the character of its immediate surroundings. The fence next to the pavement on the corner of Richmond Road and Fernhill Road is as tall as the appeal development but it does not project

beyond the front elevation of the associated dwelling and so is less obtrusive in the street scene.

7. As such, through a combination of its height, length, solid design, positioning next to the pavement and projection in front of the principal elevation of the house, the fence appears as an overly prominent and incongruous feature in the street. Moreover, it undermines the sense of openness seen along Fernhill Road and Baddesley Road and so fails to harmonise with the locality.
8. For these reasons, the proposal harms the character and appearance of the area. Consequently, in these regards, it would be contrary to policy P15 of the Solihull Local Plan 2013 and the Council's House Extension Guidelines Supplementary Planning Document 2010 (SPD). These aim, amongst other things, to ensure development conserves or enhances local character and respects the surrounding environment.

Other Matters

9. The appellant claims the proposal would comply with parts of the SPD that relate to permitted development rights for boundary features. The question as to whether the development requires planning permission is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. However, as it is greater than 1 m tall and adjacent to the highway, I am unconvinced the fence benefits from planning permission under permitted development rights.
10. The appellant is critical of the Council's approach in the processing of the planning application. However, such matters are irrelevant in my assessment of this appeal.
11. The fence provides privacy and security to the appeal property's back garden. However, any benefits in these regards fail to address or override the harm caused to the character and appearance of the area.

Conclusion

12. I conclude the proposal would conflict with the development plan when read as whole and that there are no circumstances that justify a decision otherwise. As such, the appeal is dismissed.

Jonathan Edwards

INSPECTOR