
Appeal Decision

Site visit made on 20 July 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 07 August 2020

Appeal Ref: APP/C3105/D/20/3246835

21 Coppice Close, Banbury, Oxfordshire OX16 9SW

- 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 Mrs Valerie Cherry against the decision of Cherwell District Council.
 - The application Ref: 19/01685/F, dated 14 August 2019, was refused by notice dated 26 November 2019.
 - The development proposed is the removal of dead/dying leylandii hedge (approximately 20 metres). To be replaced with pressure treated close board fencing 1.8m high.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

3. The appeal site contains an area to the side of the property and features a leylandii hedge on the side and rear boundary. To the front of the property is a garden, which does not feature any boundary treatments. Most dwellings in Coppice Close face the highway and do not feature front boundary treatments. Coppice Close slopes upwards from the junction with Bankside and at its conclusion, there is a pedestrian access to a park.
4. As properties in the surrounding area either do not feature boundary treatments or have boundary treatments that are set back from the highway edge, the appeal site and the surrounding area have an open, verdant character. The proposed fence would therefore conflict with this character owing to the proximity of the fence to the highway edge.
5. By reason of the topography of the site and the surrounding area, and its positioning, the proposed fence would be visible from several different vantage points. In addition, the proposed fence would be visible from the pedestrian access to the park. This would give the proposed development a significant degree of prominence.
6. This poses a concern as such a fence, near to the highway, would erode the prevailing open and verdant character that defines the appeal site and its surroundings. The fence would be contoured to reflect the boundaries of the

- property and the highway layout and set back from the highway edge. However, owing to the relatively small degree of set back and the substantial height of the fence, the proposed development would still be an overly prominent addition. In consequence, the proposed development would appear to be a strident and incongruous addition.
7. Although a hedge is present adjacent to the site's boundaries, this has a very different form to the proposed fence and maintains the verdant character of the vicinity. In consequence, the fence would have a much greater effect on the character and appearance of the locality. I have noted the current health of the hedge, however, this does not overcome the harm as previously identified.
 8. I am aware that some shrubs could be planted in front of the fence, however, the screening effect of these would be less than total and might take some time to become established. In result, such planting would not overcome the inappropriate form of the proposed development.
 9. There are some other fences within the surrounding area. I do not have the full information regarding the planning circumstances of these, which lessens the weight that I can attribute to them. However, in general, such fences are either located in less prominent positions, or set back from the highway by a greater amount than the scheme before me. In consequence, I do not find that the presence of developments elsewhere requires me to disregard my concerns.
 10. There is some debate regarding the permitted use of the land that would be enclosed by the proposed development. However, the planning application only pertains to the provision of the proposed fence. Furthermore, as I have found that the proposed fence would be an incongruous and strident addition, the actual use of the land has not been determinative in my decision.
 11. The Council has drawn my attention to Policy C30 of the Cherwell Local Plan (1996) (the Local Plan). However, the provisions of this policy broadly pertain to new housing developments, extensions to dwellings and the conversion of dwellings. Whilst the proposed development is within a residential area, it does not represent a housing development or an extension to, or conversion of a dwelling. In consequence, I am not persuaded I can give this policy significant weight in my considerations.
 12. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would fail to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (2015) and Policy C28 of the Local Plan. These policies, amongst other matters, seek to ensure that new developments contribute positively to an area's character by creating, or reinforcing, local distinctiveness and respecting local topography and landscape features; and by ensuring that external materials are sympathetic to the context.

Conclusion

13. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR