
Appeal Decision

Site visit made on 23 June 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/C3105/W/20/3247331

1 Derwent Road, Bicester, Oxfordshire, OX26 2JA.

- 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 V Fas against the decision of Cherwell District Council.
 - The application Ref. 19/01621/F, dated 16 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is the replacement of the existing part fence (6 ft 6" high x 17 ft long), part hedge (7-8 ft high) boundary on Dryden Avenue, with new 5 ft high 6 ft wide wooden fence panels and 1 ft high concrete gravel boards and concrete posts.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the replacement fence on the character and appearance of the area in terms of the visual impact in the street scene and the loss of an open amenity area.

Reasons

Background

3. The appeal site comprises a detached house which lies on the corner of Derwent Road and Dryden Avenue in a mainly residential area of similar properties. The property faces Derwent Road but it is the side elevation alongside Dryden Avenue where the fence is proposed.
4. The application is retrospective but it is apparent from the representations that previously there was a wide and high hedge along part of the frontage, which occupied the space between the property boundary and the edge of the pavement, and then a shorter element of timber fence about 1.8m high, again alongside the pavement.

Effect on character and appearance

5. In assessing this issue I have borne in mind the requirements of the development plan, especially Cherwell Local Plan Policy ESD15, that new development will be expected to complement and enhance the character of its context and that the Council's Residential Design Guide stresses the importance of trees and soft landscaping in all street character types.

6. At the site visit I noted that Dryden Avenue is a main thoroughfare for a relatively new housing development and that the housing layout had been designed with a combination of trees, hedges and fences alongside the road with grassed verges and open areas of varying sizes. This mellows the close proximity of the houses and gardens and produces a verdant and attractive appearance in the housing environment. I did notice a few examples of where more intensive fencing and enclosures appeared to have been erected, possibly as a repair of the original structures, but overall the well landscaped character generally prevails.
7. In contrast the fence the subject of the appeal appears stark and prominent. Its harsh visual form is accentuated by the concrete pillars and gravel boards. Further, as it is sited abutting the pavement there is no opportunity for some form of landscaping/planting to reduce its visual starkness.
8. Overall, I find that the fence proposed and erected does not complement or enhance the character of the area but is a harsh intrusion in the street scene. The work therefore conflicts with the provisions of Policy ESD15 and supplementary guidance to secure a good housing environment
9. I have taken account of the point that the erection of a 1m high fence in this location may not require planning permission. Such a fence could also have a stark visual impact but, even so, this is likely to be less than the one proposed at a higher level. Moreover, a lower fence would not give the appellant the privacy in the side garden that he wishes.
10. In terms of the loss of open amenity area, I note that the photographs provided show that the previous hedge filled most of this space and it does not appear to me that this narrow strip of land had much amenity value other than for the visual effect of enabling vegetation for screening. While the question of land ownership is of limited relevance as a planning issue, I recognise that doubt over the future maintenance of the land could affect its appearance in the long term.
11. However, in the planning balance this concern about ownership and maintenance is not of sufficient weight to override my concern about the visual impact of the proposal. The main factors raised in support of the scheme do not outweigh the considerable adverse effects that arise or the conflict with the development plan. This indicates that the appeal should not be allowed.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR