



Appeal Decision

Site visit made on 25 August 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/J1860/D/20/3249937

Harcourt Cottage, 252 West Malvern Road, Malvern, WR14 4DG

- 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 Dr Susan Avery against the decision of Malvern Hills District Council.
 - The application Ref 20/00017/HP, dated 7 January 2020, was refused by notice dated 25 February 2020.
 - The development proposed is retention of close boarded fence (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I observed that the development described above has already been carried out, and the application is retrospective. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including the Malvern Hills Area of Outstanding Natural Beauty.

Reasons

4. The appeal site is a large detached dwelling located on a sloping plot adjacent to West Malvern Road, positioned adjacent to the junction of West Malvern Road and Brockhill Road. The area is characterised with dwellings set in large plots, but there is considerable mature vegetation in the vicinity of the appeal site which gives the area a verdant rural appearance. The appeal site being located directly adjacent to West Malvern Road sits in a somewhat elevated position, and appears higher than the surrounding properties. This elevation and lack of other properties directly adjacent to West Malvern Road means the frontage of the appeal site is highly visible from the road.
5. The appeal proposal is for the retention of a close board fence, which is positioned slightly behind a low level Malvern stone wall. The close board fence extends above the stone wall, and is approximately 2 metres in height. It runs along the majority of the boundary of the appeal site adjacent to West Malvern Road. In addition, there is a timber gate within the fence.
6. The height of the close board fence combined with its length along the boundary is highly prominent when viewed from West Malvern Road. This part of the West Malvern Road appears rural in nature, and the introduction of the

fence has had a significant urbanising effect on the frontage of the appeal site. The scale of the fence means it appears as an incongruous discordant addition which is not in keeping with the rural character of the site. I observed during my site visit that there was some vegetation which appeared to be beginning to grow to screen the fence. However, this was incomplete and did not mask the prominence of the fence. The proposal therefore harms the character and appearance of the area.

7. The appeal site is located within the Malvern Hills Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way Act 2000 requires that I have regard to the purpose of conserving and enhancing the natural beauty of AONB's. Furthermore, Paragraph 172 of the National Planning Policy Framework (the Framework) specifies that great weight must be given to conserving and enhancing landscape and scenic beauty of these areas. In my view, the fence harms the character and appearance of the area, and fails to conserve or enhance the AONB.
8. The appellant has submitted evidence of other locations within the local area where close board fences are positioned adjacent to the highway. They contend that a precedent for such fencing has therefore already been set. During my site visit I observed these other sites. I have not been presented with the full details of this other fencing, so I cannot be certain of the circumstances which led to them being found acceptable. However, I do not consider that the examples given are directly comparable to the appeal proposal.
9. With the exception of Figure 6 which relates to a site on Wyche Road, the examples of fencing given are all within street scenes which have much more development along the frontage than the appeal site. As such, the character of these areas is much more urbanised, and the fencing integrates well within the street scape. The example given on Wyche Road has a much more rural feel to the site, but in this instance behind the close board fence is substantial mature vegetation which helps maintain the rural character of the area, which differs from the appeal site. In any event, all applications and appeals must be determined on their own merits which is what I have done.
10. I have considered whether a planning condition requiring painting or staining of the fence would ameliorate the harm to the character and appearance of the area. In my view, given the prominent location and scale of the fence, a change in colour would not overcome the harm which I have identified.
11. It has been put to me that the appellant requires the fence to provide security to the property, as well as providing an element of privacy. Whilst I appreciate the appellants desire to have a higher boundary treatment in this location, this personal circumstance does not overcome the significant harm to the character and appearance I have identified above.
12. Consequently, I find that the proposal would harm the character and appearance of the area, and fails to enhance or conserve the beauty of the AONB. There is conflict with policies SWDP21, SWDP23 and SWDP25 of the South Worcestershire Development Plan adopted February 2016. Together these policies seek, amongst other things, that development is of a high quality design, which integrates with the character of the landscape setting. There is conflict with paragraph 172 of the Framework which specifies that great weight should be given to conserving and enhancing the scenic beauty of AONB's.

13. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR