
Appeal Decision

Site visit made on 13 October 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/Y3940/W/20/3256398

Flower Mews, Flower Lane, Amesbury, Wiltshire SP4 7YX

- 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 Angela Lacoste of Salisbury Road Amesbury Ltd against the decision of Wiltshire Council.
 - The application Ref 20/00384/FUL, dated 9 January 2020, was refused by notice dated 29 April 2020.
 - The development proposed is 1.8m high bamboo slat fence/screening along the chain link fence on the boundary.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have summarised the description of development given on the planning application form to make it more succinct and remove superfluous wording unrelated to acts of development.
3. I observed at my site visit that the proposed fencing has been installed along the boundary consistent with the submitted plans. I shall determine the appeal accordingly.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area having particular regard to the setting of Limetree Cottage including stables (a Grade II listed building).

Reasons

Character and appearance

5. The surrounding built form to Flower Lane contains an assortment of modern and historic buildings in a variety of uses resulting in an interesting mixed character to the area. Recent residential development has taken place at Flower Mews not far from the junction with Salisbury Road near to the appeal site. Moreover, at the time of my visit, building works were ongoing at a nearby listed building indicating that the area is undergoing some change. Nevertheless, the restricted width of the lane combined with the proximity of some buildings, fencing and decorative walling to it results in a distinctive sense of enclosure.

6. On the opposite side of the road to the appeal site is Limetree cottage with its associated stables/workshop, which probably date from the early to mid 17th Century. It forms part of a prominent continuous group of Grade II vernacular buildings fronting onto the corner into Flower Lane. Its significance primarily lies in its aesthetic appearance. The stables/workshop is situated closest to the appeal site and although undergoing construction works, employs distinctive traditional materials and a slate roof. These factors contribute positively to the character of the street scene.
7. The appeal site concerns a section of the boundary to a car parking area at Amesbury Fire Station. Approximately half of its length is directly adjacent to Flower Lane with the other half adjacent to a parking area serving Flower Mews. Prior to the erection of the bamboo screening, the boundary treatment was a chain link fence using concrete posts¹. This afforded relatively unrestricted views across the parking area of the Fire Station which, in addition to parked vehicles, is sometimes used to store damaged vehicles as shown in the photographic evidence provided². The chain link fence was in situ and there were a number of wrecked vehicles present when I visited the site. Both the utilitarian appearance of the metal chain link fencing and the unsightly views it permitted undermined the enclosed character of Flower Lane. I concur with the consensus between the parties³ and letters of support, that it represented an unattractive element of the street scene.
8. The proposal fixes a length of approximately 1.8m high vertical slatted split bamboo to the existing chain link fencing using plastic ties. The addition is higher than the existing boundary chain link fence, albeit it is lower than what appeared to be temporary mesh fencing panels erected around the damaged vehicles within the fire station site. The lightweight, intermittent nature of the material, and insubstantial method of fixture result in a makeshift appearance to the boundary treatment which is at odds with the solid and robust appearance of the decorative walling and timber fencing in Flower Lane nearby.
9. Core Policy 57 (CP57) of the Wiltshire Core Strategy, January 2015 (CS) expects development to create a strong sense of place through drawing on the local context and being complimentary to the locality. Notwithstanding the natural qualities of bamboo and its use in countries where it is indigenous, my observations were that it is not a material generally used in boundary treatments adjacent to the public realm nor in the vernacular buildings that contribute positively to the character of the area in the vicinity of the appeal site. I have seen little other evidence to show that the proposal meets the requirements of CP57. As such, the development appears as an incongruous addition in this context. Neither would the substitution of the plastic cable ties for galvanised wire ties fully overcome my concerns.
10. Additionally, paragraph 127 a) of the National Planning Policy Framework stipulates that planning decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. I have concerns regarding the durability of the screening which is likely to deteriorate over time to the detriment of the appearance of the area. The impact of this would be exacerbated given the

¹ Photographs on page 4, Design and Access Statement, dated 9 January 2020

² Photographs on pages 4-5, Appellant's Statement of Case

³ Appellant's Statement of Case, Letters of support Appendices 6-18 & Council's Conservation Officer Consultation Response dated 14.4.20.

prominence of the structure in the street scene due to its proximity to Flower Lane.

11. Furthermore, the proposed fence is seen in some views with Limetree Cottage and stables/workshop opposite, and forms part of the surroundings in which they are experienced. Therefore, it effects the setting of this designated heritage asset and detracts from its aesthetic significance. However, given the modest scale of the proposal, this is less than substantial harm. Paragraph 196 of the Framework indicates that where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
12. The proposal provides partial screening to unsightly views to the car park and yard for the Fire Station as well as a greater sense of enclosure. I acknowledge that by comparison to the chain link fence, this represents a modest visual improvement which is of benefit to those using Flower Lane or living nearby. Nevertheless, this does not fully justify the harmful impact arising from the incongruity of the appearance of the screening itself. Paragraph 193 indicates that great weight should be given to protecting the significance of designated heritage assets. Therefore, the modest benefit in this case is insufficient to outweigh the harm caused to the setting of the listed building.
13. It is drawn to my attention that the appeal site is not in a conservation area. Be that as it may, I nevertheless have a statutory duty⁴ to give special regard to the desirability of protecting the setting of listed buildings. The absence of harm to the settings of other listed buildings located further away from the appeal site does not lead me to a different conclusion.
14. In support of the proposal the appellant asserts that the screening provided by the proposal to the damaged vehicles in the Fire Station yard reduces emotional distress to those passing the site as well as preventing drivers using Flower Lane from being distracted. However, there is little evidence before me to substantiate that these problems existed to any notable degree prior to the erection of the screening. As such, they attract little weight.
15. The appellant refers to the proposal as being temporary⁵, which for the reasons outlined, is commensurate with its appearance. They go on to suggest that Dorset and Wiltshire Fire and Rescue Service (DWFRS) are likely to replace the chain link fence with a timber fence when their budget permits. Paragraph 54 of the Framework indicates that it should be considered whether otherwise unacceptable development could be made acceptable through the use of conditions. Therefore, I have considered whether it would be appropriate to impose a condition to restrict the development to a temporary period.
16. Planning Practice Guidance⁶ (PPG) advises that a temporary permission may be appropriate to allow a 'meanwhile use' to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward. Nevertheless, based on the evidence provided, there is uncertainty as to when, or indeed if, the DWFRS will replace the chain link fence. Therefore, there is little to indicate that the development is of a short timescale. It follows that in the absence of a precise replacement date, the harm arising from the proposal

⁴ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁵ Paragraph 1, Appellant's Statement of Case

⁶ Paragraph 014 Ref ID:21a-014-20140306

might continue indefinitely. In any event, the development does not relate to the use of vacant land or buildings.

17. Furthermore, policy CP57 of the CS requires a high standard of design for all new development. PPG does not suggest that temporary permissions should be employed to justify development that falls short of the standard required by the development plan, even on a temporary basis. Therefore, I am not satisfied that a condition would overcome my concerns and make the development acceptable.
18. In coming to my findings, I have had regard to the representations in support of the proposal, nevertheless I am required to make my own judgement of the planning merits of the case. For the reasons set out, they do not lead me to find otherwise.
19. Accordingly, I find that the proposal is harmful to the character and appearance of the area and in addition, detracts from the setting of a designated heritage asset contrary to Core Policies 57 and 58 of the CS. CP57 requires development to achieve a high quality of design that amongst other matters, uses high standards of building materials and finishes. Amongst other things, Core Policy 58 states that designated heritage assets and their settings will be conserved and where appropriate enhanced.

Conclusion

20. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁷. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

Helen O'Connor

Inspector

⁷ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.