



Appeal Decision

Site visit made on 6 October 2020 by Christian Ford BA (Hons) BTP MRTPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/X1165/W/20/3255501

1 Pillar Avenue, Brixham, Devon TQ5 8LF

- 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 Miss Heidi Hanson against the decision of Torbay Council.
 - The application Ref P/2020/0080, dated 9 January 2020, was refused by notice dated 17 April 2020.
 - The development is the extension of existing fence by 9.4m x 2m to the same materials and size, to enclose a garden boundary.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a Planning Decision Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The original planning application was made retrospectively. The appeal has therefore been considered on the same retrospective basis.

Main Issue

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

Reasons for the Recommendation

5. The appeal site forms part of a twentieth century residential estate. The eastern end of Pillar Avenue predominantly comprises of two storey terraced houses. However, the two storey elements that wrap around the corners of the junction with Northfields Lane each include a ground and first floor flat. Flat numbers 1 & 3 Pillar Avenue are located on the north side of the junction and 2 & 4 on the south.
 6. The terraced properties have front driveways/garden areas. For the most part, where front ownership boundaries are defined, this is through a low boundary treatment. As a result, there is mostly an open frontage along this part of Pillar Avenue and the openness is an important part of the character of the street scene. With regard to the flats on the north side of the junction, the appellant at No 1 describes the land fronting Pillar Avenue as their back garden and it is surrounded by tall fencing.
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7. It is acknowledged that prior to the erection of the fence under appeal, the area was closed off from view, mainly by a tall hedgerow, (the submitted photos do not clearly demonstrate that there was previously a fence along the front boundary). Although this meant the characteristic open frontage along Pillar Avenue had been eroded, a hedgerow conforms to the positive soft landscaping relief generally found in the design of the estate's street corners. In contrast, the fence has replaced the softening effects of a hedgerow with a tall solid boundary which presents a visually oppressive appearance to the public realm. In this respect it is incongruous and causes significant harm to the mostly open fronted character of the street scene.
8. The private benefits the appellant derives from the fence is acknowledged, particularly in respect of privacy and security of what is their back garden. However, these considerations do not outweigh the substantial public amenity harm to the character and appearance of the locality. It is also accepted that lowering the fence would not result in the garden area having a predominantly open character, especially given the fencing along the boundary with No. 5. Nevertheless, it would reduce the harmful visual impact of the tall front boundary treatment. Furthermore, the positive benefits of the additional planting and general tidying up of the site undertaken by the appellant is recognised but this does not justify the harm derived from the fence.
9. It is noted that similar fencing exists in respect of flat Nos 2 & 4 on the opposite street corner. However, the Council's officer report states that planning permission was recently refused for a similar form of development at No 2. Although there were no objections from local residents to No 1's planning application and letters of support for the development have subsequently been provided by the occupiers of Nos 2, 3 and 4, it nevertheless falls to be considered against planning policy. Little weight may be given to the examples of other corner plot fences/walls identified by the appellant because they relate to different street scenes. The appeal development has been considered on its own merits and having regard to its own specific circumstances.
10. In light of the above, it is concluded the development has an unacceptably harmful effect on the character and appearance of the area. It conflicts with Policy DE1 of the 2015 Torbay Local Plan which, amongst other things, seeks to ensure development respects the character of the surrounding built environment and integrates with the existing street scene.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Christian Ford

PLANNING DECISION OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Planning Decision Officer's report, and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR