



Appeal Decision

Site visit made on 5 November 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 1 December 2020

Appeal Ref: APP/Y3940/D/20/3258041

15 Willoughby Close, Westbury, BA13 3GA

- 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 W Kennedy against the decision of Wiltshire Council.
 - The application Ref 20/03015/FUL, dated 18 March 2020, was refused by notice dated 29 May 2020.
 - The development proposed is a small brick retaining wall with close boarded timber fence on top.
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Decision

1. The appeal is allowed and planning permission is granted for a small brick retaining wall with close boarded timber fence on top at 15 Willoughby Close, Westbury, BA13 3GA in accordance with the terms of the application, Ref 20/03015/FUL, dated 18 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Proposed retaining wall/fence' (March 2020).

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a narrow plot of 7.5 metres length, sloping towards the highway in a prominent position at the entrance to a housing estate. The appellant has already built the 0.9-metre-high brick wall component and proposes to add a timber fence above this to a total of 1.8 metres height.
4. This is a revised application following a dismissed appeal¹ relating to an entirely brick wall of similar overall height and a parking space; the latter does not form part of the current appeal.
5. I observed a mixture of road boundary treatments in the area, including high walls, hedging and timber fences. In this respect, the proposal would not be out of character.

¹ APP/Y3940/W/19/3233449 (11 December 2019)

6. At the site visit, I observed that the plot had been untended for some time and mainly comprised earth and stone. If the plot was grassed as shown in the submissions, this would be an improvement to the appearance of the area.
7. The site was originally landscaped, and I am in no doubt that this would have contributed positively to the appearance of the area. However, if as it appears, the land is in private ownership and there is no requirement for it to be maintained or restored as greenery, I must consider the proposal in light of the existing situation.
8. The appeal site is located adjacent to a short flight of steps providing pedestrian access to the housing estate and, by virtue of being bare, it contributes to a sense of openness. The proposed structure would be placed on the lower edge of the slope and would reduce in height towards the steps. It would therefore appear less than 1.8 metres high when viewed from within the estate and the outlook towards the trees along the highway would not be significantly disrupted. I do not consider that the slight reduction in openness would cause harm to the character and appearance of the area when viewed from this direction.
9. Views into the estate from the main road are fleeting and largely screened by trees. The long strip to the other side of the steps remains landscaped and open, and the estate boundary is set back from the highway behind a wide, grassy verge. In this context, I do not consider that a short length of tapering fence would make a significant difference to the character or appearance of the area.
10. Overall, I consider that the proposal has a neutral effect on the open character of the area and that appearance would be enhanced overall by introduction of grass. I do not find conflict with Policy CP57 of the Wiltshire Core Strategy (2015)('CS'), which requires that development responds positively to the townscape features and is complementary to the locality.

Other matters

11. I have noted concerns raised by third parties regarding the risk to safety of pedestrians from views of the cul-de-sac being blocked. The Council have not raised any concerns on this basis, however. Notwithstanding this, I observed that the fence would be separated from the cul-de-sac by the width of a grassed verge and the fence lowered adjacent to the steps. In addition, the cul-de-sac is small, has been surfaced to be pedestrian in character, and visibility from a car is good. On this basis, I conclude that there would not be an additional risk to pedestrians from the proposal.
12. I have also noted concerns regarding the potential to use the area behind the fence for parking. This does not form part of the proposal before me, so I have not considered this matter further.

Conditions

13. In addition to the statutory time limit (1), condition (2) secures accordance with the approved plan in the interests of good planning. I have not considered

it necessary to impose the Council's recommended condition requiring that external surfaces should match those used in the existing building.

Conclusions

14. For the reasons above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

B Davies

INSPECTOR