



Appeal Decision

Site visit made on 1 December 2020

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 4 January 2021

Appeal Ref: APP/W3330/D/20/3259419

106 Upper Holway Road, Taunton TA1 2QA

- 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 Claire Sperring against the decision of Somerset West and Taunton Council.
 - The application Ref 38/20/0188, dated 5 June 2020, was refused by notice dated 11 September 2020.
 - The development is front of property perimeter wood fence.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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

Main Issue

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

Reasons

4. The appeal site forms part of a residential estate. It appears the dwellings were originally laid out with open plan, mainly grassed front garden areas, similar in character to the neighbouring highway verges and street corners. However, over time, the distinction between the boundaries of the front garden areas and the public amenity space have become more clearly defined.
5. In most cases, this is the result of very low 'knee rail' perimeter wooden fencing and the planting of shrubs, boundary treatments which are broadly sympathetic to the original open plan design. Examples of taller wooden fencing or other such treatments are far less common. However, where they do exist, they have generally not exceeded a height of approximately 1m. (The fence which exceeds this height at No 75 Upper Holway Road, opposite the appeal site, does not benefit from planning permission and so can be given very little weight in the determination of this appeal). Therefore, despite the increased boundary definition described above, the properties have retained fairly open frontages and this openness is an important part of the character of the area.

6. The submitted plans indicate the fence maintains a height of 1.22m above ground level. Although this is only around 22% more than some of the other boundary treatments found in the locality, the resulting greater degree of enclosure is plainly apparent and it has a significant harmful visual impact when observed amongst the characteristic fairly open frontages. Furthermore, as the garden area rises a little between the public footway and the front door to the house, it creates the perception that the fence beyond the front boundary is taller than its actual height, thereby compounding its harmful incongruous appearance. The trees found on the highway verge do not provide adequate mitigation in terms of public views of the development, particularly during the winter months.
7. While I greatly sympathise with the personal circumstances expressed by the appellant and acknowledge the benefits that are derived from the fence, a boundary treatment of up to 1m in height, consistent with others found in the area, would provide similar benefits. Consequently, these considerations do not justify or outweigh the identified harm of the appeal development. Although the support expressed by neighbours is also recognised, the development must be duly considered against planning policy.
8. 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 DM 1 of the Council's Adopted Core Strategy 2011-2028 which, amongst other things, seeks to ensure development does not unacceptably harm the character and appearance of any settlement or street scene.

Conclusion

9. For the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Christian Ford

PLANNING DECISION OFFICER