
Appeal Decision

Site visit made on 12 January 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal Ref: APP/U1620/D/20/3255700

33 The Wheatridge, Gloucester GL4 4DQ

- 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 Mrs Marlene Phillips against the decision of Gloucester City Council.
 - The application Ref 20/00318/FUL, dated 31 March 2020, was refused by notice dated 24 June 2020.
 - The development proposed is change of use of land from public footpath verge to residential curtilage and retention of 1.8 metre high fence.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use of land from public footpath verge to residential curtilage and retention of 1.8 metre high fence at 33 The Wheatridge, Gloucester GL4 4DQ in accordance with the terms of the application, Ref 20/00318/FUL, dated 31 March 2020, and the following plan; Site Plan, Block Plan and Details Drawing Ref MP-33TW-A-G-FEN-001, and subject to the conditions below:
 - 1) Any planting between the fence hereby approved and the path, and trees within the site, which within a period of 5 years from the date of this decision die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected between the fence hereby approved and the pedestrian path.

Procedural Matter

2. I have taken the description of development from the decision notice as parties have confirmed that the change from the application was agreed, removing elements that are not an act of development. At my site visit I saw a fence in place. Both main parties have confirmed that the development has been completed and I have considered the appeal on that basis.

Main Issues

3. The main issues of the appeal are the effect of the development on;
 - The character and appearance of the area; and

- The living conditions of the occupiers of nearby properties, with particular regard to outlook.

Reasons

Character and appearance

4. There are a number of pedestrian paths within the estate. These are often spacious with landscaping alongside them. Nevertheless, I saw several instances of hard boundary features enclosing garden areas to the front and side of plots. Some of these were located close to paths and footways without intervening landscaping. This includes the side boundaries at the corner plots on Grebe Close opposite the appeal site and further along The Wheatridge. These boundary treatments varied in their position, scale and appearance. Therefore, the presence of hard boundary features is not uncommon in the nearby streetscene.
5. The fence subject to this appeal is partly visible along the path and from within the plots and dwellings on Grebe Close opposite. Notwithstanding this, the fence in the appeal scheme is not adjacent to the path it runs alongside. It is set back behind landscaping and a small gravelled area. Moreover, the green colour of the fence reduced the prominence of it. Furthermore, at the time of my visit, the landscaping in front screened much of the fence. Trees behind the fence, much of which are clearly visible above, aid in softening the appearance of the fence. A condition is imposed to ensure these features are retained or replaced if necessary.
6. Given the above factors, the verdant appearance of the estate is retained, as is a degree of spaciousness with the set back of the hard boundary feature from the path and open front gardens opposite.
7. Consequently, the development does not harm the character and appearance of the area. The scheme accords with Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewksbury Joint Core Strategy (the JCS), Policy F5 of the Gloucester City Plan 2011 – 2031 and Policy BE19 of the Gloucester Local Plan Second Stage Deposit 2002. These in part, seek to ensure that development respects the character of the site and surroundings and only allow the enclosure of land into gardens provided that it does not adjoin a footpath link and its enclosure does not harm the visual amenity.

Living Conditions

8. There are ground and first floor windows facing the appeal site at properties on Grebe Close. The fence that has been erected is closer to these properties than the previous one. However, it is mostly hidden behind the landscaping that is far more prominent than the fence itself. Therefore, the views from these properties is foremost of the new landscaping in front, and taller retained trees behind, the fence.
9. The set back of the fence from the path, green colour, and intervening landscape soften the appearance of the fence. As a result and given the distance between the windows of the properties and the fence, a landscaped and sufficiently spacious outlook is retained.
10. Consequently, the development does not harm the living conditions of the occupiers of nearby properties with regard to outlook. The development

accords with Policies SD4 and SD14 of the JCS, which, amongst other things aim to ensure that developments do not cause unacceptable harm to local amenity of neighbouring occupants.

Other Matters

11. A previous appeal for a fence at the site was dismissed. I have not been provided with full details of that scheme or the appearance of the site at that time. Nevertheless, the Council state that in the appeal before me, the fence is set further away from the path than before. In addition, the landscaping between the fence and path has been altered and had grown to screen much of the fence when I visited. As such, the previous appeal scheme was materially different to this one.

Conditions

12. Conditions relating to the commencement of the development, and for it to be carried out in accordance with the plans, are not necessary as the appeal is retrospective. A condition is imposed requiring the replacement of landscape features, if necessary, to protect the character and appearance of the area. For the same reason a condition removing permitted development rights for the erection of means of enclosures is included.

Conclusion

13. I conclude that the appeal should be allowed subject to the conditions above.

Stuart Willis

INSPECTOR