The Planning Inspectorate

Appeal Decision

Site visit made on 26 January 2021

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/W3330/D/20/3260992
75 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 Mr Mike Gammon against the decision of Somerset West and Taunton Council.
- The application Ref 38/20/0216, dated 30 June 2020, was refused by notice dated 11 September 2020.
- The development is new fence to front along with bicycle storage area.

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 and occupies a prominent corner plot position within the street scene. 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 or trees, 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 106 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 that for the most part the appeal fence has a height of approximately 1.35m. However, at the north-west corner it rises to around 1.5m. Consequently, it is between 35% and 50% taller than the common height of other erected boundary treatments found in the locality. Given the prominent nature of the site, 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.

7. The appellant has referred to several benefits derived from the height of the fence as erected when having regard to the site's close proximity to a junction, the pavement and a bus stop. This includes security, privacy, safety and the mitigation of noise, light and air pollution. However, the benefits over an erected boundary treatment of up to 1m in height, consistent with others found in the area, would only be marginal in these respects. Furthermore, the submitted plans show the planting of leylandii to infill the gaps amongst the existing trees adjacent to the front boundary. Once mature, the resulting hedgerow will offer more tangible benefits in relation to the identified issues than the fence. The increased visibility of this soft landscaping would also have a positive effect on the street scene.

8. Consequently, the suggested benefits do not justify or outweigh the identified harm of the appeal development. Furthermore, while the fence has been constructed to a professional standard and it has received some positive comments from local people, it must be duly considered against planning policy.

9. 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

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

C J Ford

PLANNING DECISION OFFICER