



Appeal Decision

Site Visit made on 2 July 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/D1265/D/21/3275884

1 Cheyne Close, Portland, DT5 2JW

- 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 Jessica Mitchell against the decision of Dorset Council.
 - The application Ref WP/21/00059, dated 23 January 2021, was refused by notice dated 26 March 2021.
 - The development proposed is the erection of a fence (retrospective).
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a fence at 1 Cheyne Close, Portland, DT5 2JW in accordance with the terms of the application WP/21/00059, dated 23 January 2021, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2904:182/001 Rev A Planning Drawing 1.

Preliminary Matters

2. The description of development used in the heading above has been taken from the planning appeal form. However, in allowing the appeal I have altered the description to remove reference to the term retrospective as this is not a description of development.
3. Nonetheless, at the time of my visit, the fence had been erected at the site. The application has been submitted retrospectively, and consequently I have dealt with the appeal on that basis.

Main Issue

4. The Council's decision notice refers to the proposed development having been refused on the grounds that the proposal did not accord with a cited plan which accompanied the planning application. However, it is clear from the Council Officer's report that the Local Planning Authority refused the appeal scheme on grounds that the proposal would be an incongruous and dominating feature within the area. The Appellant has noted this discrepancy and has submitted an appeal statement on the basis of the information provided within the Council Officer's report.
5. Accordingly, the main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal site comprises a dwelling with associated garden land, positioned on a corner plot, with its principle elevation facing Cheyne Close. Dwellings within the immediate area are relatively consistent in terms of their scale, character, and appearance.
7. As noted above, at the time of my visit the proposed fence had been constructed. The fence encloses the side and rear garden areas which wrap around the dwelling and is positioned running adjacent to the pedestrian footway which serves Ripcroft. Given its position on a corner plot and due to its location in close proximity to the more open amenity areas west of the site at the entrance to Ripcroft, the proposed fence is in a prominent position.
8. Whilst it is noted that front gardens of dwellings located close to the junction between Ripcroft and Reap Lane were predominately positioned behind low fences and walls, within the wider residential estate there is some variety in terms of height and materials used in the construction of boundary treatments. Close to the appeal site I saw examples of low walls and fences as well as a significant number of properties which exhibited high brick walls, high wooden fences or combinations of both brick and wooden fences which were similarly located immediately adjacent to pedestrian footways. A further substantial number of properties close to the appeal property provided no fencing or walls to the front or side garden areas.
9. Whilst a number of other similar fences or high boundaries were found within the immediate surrounding area, these were generally located in less prominent positions. Nonetheless, it was apparent from my site visit that the fence which had been erected at the appeal site was not a uniquely incongruous or dominating feature in the street scene given the other nearby examples of similar boundary treatments. The wooden fence, over the course of time, would become less conspicuous as it continues to weather, and would, in my view, integrate successfully within its surroundings, not being harmful to the character or appearance of the surrounding area.
10. Furthermore, it appears that a number of fences and walls have been constructed adjacent to footways and more open areas within the locality which enclose side and rear gardens that would otherwise be exposed to views from the adjoining streets. In this respect the proposed fencing at the appeal site would provide security and prevent loss of privacy for those using the rear garden at the appeal property.
11. For the above reasons, I find that the proposed timber fence would not have a harmful effect on the character or appearance of the surrounding area and would reduce opportunities for overlooking and loss of privacy for future residents at the appeal property. The appeal scheme would comply with the provisions of Policy ENV10 of the West Dorset, Weymouth and Portland Local Plan (2015) (the Local Plan) which, amongst other matters, requires that developments be informed by the character of the site and surroundings, contributing positively to the maintenance and enhancement of local distinctiveness. For the same reasons, the proposed fence would accord with the provisions of those parts of the National Planning Policy Framework which concern achieving well designed places.

12. Whilst it is acknowledged that Policy ENV12 of the Local Plan concerns the design of buildings, the materials used in the construction of the timber fence would be sympathetic to the built surroundings given the existence of similar boundary treatments within the surrounding area close to the appeal site.

Conclusion

13. As the development has already taken place the only condition necessary is to specify the approved plans in the interests of certainty.
14. For the reasons given, I conclude that the appeal should succeed.

Mr A Spencer-Peet

INSPECTOR