



Appeal Decision

Site visit made on 14 July 2021

by S A Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2021

Appeal Ref: APP/P0119/C/21/3273063

39 Streamside, Mangotsfield, Bristol BS16 9ED

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Lisa May against an enforcement notice issued by South Gloucestershire Council.
 - The enforcement notice, numbered COM/20/0340/OD/1, was issued on 23 March 2021.
 - The breach of planning control as alleged in the notice is *Without planning permission the erection of a 1.8 metre high fence in the approximate location marked in green on the attached plan.*
 - The requirements of the notice are *Remove the fence, posts and all associated materials from the land.*
 - The period for compliance with the requirements is *one month.*
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

Main Issue

2. This is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. The appeal property (No 39) is an end of terrace bungalow in a residential estate comprising a mix of terraced and attached two-storey houses and bungalows. A distinctive feature of the surrounding area is its open plan character, with residential properties set back from the road, with lawns and driveways to the front. Some frontages are partially enclosed by low level walls and some benefit from landscaping.
4. There are areas of public open green space, and footways which connect roads within the estate. A public footway runs adjacent to the side of No 39 linking Streamside to East View, both vehicular highways. The rear of the appeal property adjoins East View which is a single width vehicular cul-de-sac. Properties to the other side face onto East View and, similar to the house and

- bungalows on Streamside, have open frontages displaying lawns and driveways partially enclosed by low level walls.
5. The rear gardens of the terraced bungalows which adjoin No 39 are bounded with low brick walls and some have fence panelling at a higher level. These fences are of a height which allows for longer open views along the road whilst providing a definitive boundary to the private space belonging to the property.
 6. There is no through-traffic along East View and the general absence of lawful on-street parking further contributes to the open spacious character of the street created mainly by unenclosed frontages and low level boundary treatments to the rear of properties.
 7. The fence that has been erected at No 39 wraps around the rear and side of the property exceeding the height of the neighbouring fences and portraying a dominant feature which draws the eye. Its height is harmful to the openness of the area and this has a negative impact on the character and appearance of the immediate surroundings.
 8. The height of the fence is disproportionate to the boundary treatments used with the residential estate and which are within the public realm. This results in an insensitive form of development which is visually harmful to, and erodes the open plan character and appearance of its immediate surroundings. This is particularly so because the development is clearly visible from neighbouring properties, longer views along East View and from glimpses though the public footway to the side of No 39 from Streamside. Overall, the development fails to demonstrate high quality design and respond appropriately to the character and appearance of the area.
 9. The proposal therefore fails to comply with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2006 - 2027 which seeks the highest possible standards of design, and for development to respect and enhance the character, distinctiveness and amenity of both the site and its context. Furthermore, the development conflicts with Policies PSP1, PSP5 and PSP38 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (2017) which aim for development to respond to the characteristics of the street and surrounding area. The proposal also conflicts with the provisions of the National Planning Policy Framework which seeks, amongst other things, to secure high quality design that contributes positively to making places better for people.

Other matters

10. As referred to by the appellant and noted at my site visit, there are examples of fences of a similar height which enclose private garden areas adjacent to the public highway. I am not aware of the circumstances of these individual cases, nevertheless, this appeal must be considered on its own merits. Furthermore, I acknowledge that the fence provides an element of security for the appellant and I sympathise with their situation. However, that does not outweigh the harm I have found regarding the impact of the fence on the character and appearance of the area.
11. The appellant raised concerns about the Council's handling of the enforcement case particularly regarding communication between the parties, including the Housing Association landlord. My assessment of the case is based on an impartial appraisal of the planning merits of the development with regard to

relevant planning policies. If the appellant feels dissatisfaction with the Council's procedure, this should be made in the first instance through the local authority's own complaints procedure.

Conclusion

12. Overall, the development harms the character and appearance of the area and conflicts with the development plan as a whole. There are no material considerations to indicate a determination other than in accordance with the development plan. For the reasons given above, I conclude that the appeal on ground (a) should not succeed and I shall refuse to grant planning permission on the deemed application.

S A Hanson

INSPECTOR