



Appeal Decision

Site Visit made on 19 October 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 October 2021

Appeal Ref: APP/Z0116/D/21/3279858

1 Court Close, Horfield, BRISTOL, BS7 0XH

- 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 Mia Beshr against the decision of Bristol City Council.
 - The application Ref 20/04588/H, dated 2 October 2020, was refused by notice dated 18 May 2021.
 - The development proposed is erection of 2m tall solid panel timber fence and gate along a portion of property boundary.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, after the Council issued its decision, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.

Main Issue

3. The effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal property is part of a residential estate, characterised by terraced dwellings. The rear elevations of the terraces face each other, with intervening areas of enclosed gardens and outbuildings and a central access road. Front elevations face each other, with an intervening area of open front gardens linked by footpaths. As a result, enclosed spaces are tightly defined to those areas behind dwellings, leaving front gardens and areas to the ends of the terraces facing onto the main estate road unenclosed. This arrangement is a distinctive of the estate's original layout and gives it a verdant character and appearance.
5. The appeal dwelling is at the end of one of the terraces, with its side elevation facing onto the main estate road. To the side of the dwelling is a margin of unenclosed lawn, that links up with the dwelling's open front garden and the front gardens to the north. The proposal would see this whole side area enclosed with a high fence.
6. Enclosing this space would significantly change the appearance of this open area, to the extent that it would be wholly at odds with the corresponding open

areas to the north and south. It would have an adverse impact on the verdant appearance of the estate and be highly visible from the entrance where it would interrupt the line of sight along similar enclosed areas.

7. At my visit I saw that other similar areas are more enclosed than the appeal site. Shrubs have been planted alongside the ends of two of the terraces which has impacted on the open sight line, however such planting accords with the estate's verdant character and appearance and is thus not harmful. A fence has been erected alongside No. 12 Greenwood Close; however, it encloses a much smaller area and is not as prominently positioned as the appeal proposal.
8. The appellant refers to Policy DM27 of the Bristol Site Allocations and Development Management Policies 2014 (SADMP). The existing arrangement provides clear distinction between the private defensible space of the appellant's back garden and the unenclosed spaces of the front and side gardens, which contribute to the character and appearance of the area. Furthermore, the proposal would not maintain a continuity of development edge that accords with the relationship between private and open areas across the estate.
9. I accept that the proposal would give the occupiers of the dwelling a greater level of privacy over a larger area of their garden. However, the existing area at the rear of the dwelling provides a good level of privacy. Although it is not large it is well related to the dwelling and similar in size to most of the private gardens in the estate. This matter does not therefore cause me to come to a different view on the merits of the proposal.
10. In summary, the proposal would harm the character and appearance of the area. It would thus be contrary to Policy BCS21 of the Bristol Core Strategy and Policies DM26, DM27 and DM30 of the SADMP, which together seek to ensure that development proposals deliver high quality urban design that contributes towards local character and distinctiveness.

Conclusion

11. For the reasons above, the appeal should be dismissed.

A Tucker

INSPECTOR