



Appeal Decision

Site Visit made on 2 November 2021

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

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/N1160/D/21/3281921

120 Fletemoor Road, Plymouth PL5 1UJ

- 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 Jordan Gray against the decision of Plymouth City Council.
 - The application Ref 21/00691/FUL, dated 13 April 2021, was refused by notice dated 11 June 2021.
 - The development proposed is described as the demolition of the existing garage and rebuild of a new replacement garage. Accompanying the works are alterations to the landscaping and provision of a boundary fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the date of my visit, the boundary 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

3. The main issue in this appeal is the effect of the proposed boundary fence on the character and appearance of the area.

Reasons

4. The appeal site is located on a corner plot close to the junction where Weston Mill Hill meets Fletemoor Road. The surrounding area is residential in character, with dwellings on the southern side of Weston Mill Hill being predominately set back from the highway behind low walls and modest front gardens, with dwellings on the northern side of this highway being significantly set back behind a wide grassed bank which gives the area an open and spacious character. Residential properties close to the appeal site are demarked with a mixture of enclosures including hedges and shrubs, walls, and various types of fencing. Most examples of timber fencing within the immediate vicinity of the appeal site are relatively short in length and located discreetly at the side of dwellings.
5. Whilst the Council appear to raise no concerns regarding the replacement garage, it has been put to me that the timber fence constructed at the appeal site is harmful to the character and appearance of the surrounding area. In this regard, I find that the positioning of the fence adjacent to the footway which wraps around the site from Weston Mill Hill to Fletemoor Road, causes it to be a prominent feature in the street scene.

6. Compared to its surroundings, the fence presents a more formal type of enclosure that appears in stark contrast to the softer forms of boundary treatment within the area. Furthermore, due to its length, height and solid form, the fence has an unrelenting appearance that dominates views from within the immediate vicinity. Accordingly, the amount of fencing, its prominence and its dominating effect causes the development to have an appearance that is incongruous and discordant in the surrounding area and, in my view, is detrimental to the more open and spacious character and appearance of the locality.
7. As I observed on my site visit, other fences exist within the wider surrounding area. However, the examples that have been brought to my attention are either significantly shorter in length, positioned more discreetly relative to the public domain or are in areas of different character to that which surrounds the appeal site. Therefore, the presence of other fences within the wider area does not alter my assessment of the visual effect of the development that is the subject of this appeal.
8. For the above reasons, the appeal scheme would, in my view, be harmful to the established character and appearance of the area. The proposed development would therefore be contrary to Policy DEV20 of the Plymouth and South West Devon Joint Local Plan (March 2019) which, amongst other things, seeks to ensure that development has proper regard to the pattern of local development, the wider context and surroundings in terms of style, siting, massing, height and materials.
9. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
10. The Appellant considers the fence provides benefits in terms of privacy, security and safety. Whilst it is not unreasonable for the Appellant to want to secure and screen the site, I have no basis to conclude that the development that has occurred represents the only manner to secure the Appellant's suggested benefits. Furthermore, the type of boundary fencing proposed, and which has been erected, is inappropriate for the reasons above and these considerations do not justify visually harmful development.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR