
Appeal Decision

Site visit made on 23 November 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2021

Appeal Ref: APP/Z0116/D/21/3277843

77 Dundridge Lane, St. George, Bristol, BS5 8SN.

- 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 L Jefferies against the decision of Bristol City Council.
 - The application Ref. 21/00938/H, dated 28 March 2020, was refused by notice dated 26 April 2021.
 - The development proposed is the erection of a garden fence over one metre high (up to 2m) next to a highway.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a garden fence over one metre high (up to 2m) next to a highway, at 77 Dundridge Lane, St. George, Bristol, BS5 8SN, in accordance with the terms of the application, Ref. 21/00938/H, dated 28 March 2020, and the plans submitted with it, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - (2) The fence shall be erected in accordance with details shown on the plan that is approved – Drawing PP-08620188 Rev.A.

Main Issue

2. The main issue is the effect of the proposed fence on the character and appearance of the area.

Reasons

3. The appeal site comprises a two storey end of terrace property which fronts Dundridge Lane but the side garden runs alongside Upper Conham Vale. The garden on the property is relatively open and is separated from the pavement by a low wall. It is proposed to erect a timber fence above the wall from a point almost flush with the front elevation of the property, to give a means of solid enclosure 2m high. The appellant says this is needed to give the house and garden privacy and security and to protect children.

Effect on character and appearance

4. The area around the appeal site has a great variety in the form of enclosure around the front and side of properties. In the two terraces 77-85 and 87-95 Dundridge Lane the front spaces are open with no enclosure and used for parking; while along Upper Conham Vale the frontages tend to be open or have

low walls. However, at corner sites, there tends to be a more enclosed boundary with the public realm with a combination of walls fences and/or hedges. On the opposite corner of Upper Conham Vale there is a continuous timber fence around the frontage which varies in height between 1 and 2 metres following the changes in the slope of the land. Likewise on the corner of Avalon Road a I noted a 6ft high timber fence stretching around the corner although part of this had landscaping in front of it.

5. The Council advises that the fence on the opposite corner is not permitted and other high fences are historic and therefore the proposal would set an undesirable precedent. However, I have not been advised of any enforcement action pending against these fences in the area and I have assessed the proposal on its individual merits and the local area as I saw it.
6. I am satisfied that the fence proposed generally follows the prevailing local pattern. The fence would be set back from the main frontage of Dundry Lane and the fact that it would be located behind the low brick wall will reduce the visual impact along Upper Conham Vale. I have considered whether it is necessary to have the fence set back from the pavement edge to allow for some landscaping in the intervening space, but such an enhancement is not justified in the circumstances of the site.
7. Overall I find that the proposed fence would not have an over-bearing effect on the street scene or harm the character or appearance of this residential area and there is no clear planning justification to retain the open form of much of the existing garden at No. 77. The proposal does not conflict with the environmental policies in the development plan as mentioned by the Council for new proposals to contribute positively to the appearance of an area. I will therefore allow the appeal. The Council recommends two standard conditions be imposed which are necessary. A third recommended condition requiring the materials of the fence to match the house is inappropriate as the house is mainly rendered.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR