



Appeal Decision

Site visit made on 18 November 2021

by Cullum J A Parker BA(Hons) MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: Monday 20 December 2021

Appeal Ref: APP/Y3940/W/21/3268287
54 Blackmore Road, Melksham, SN12 7HU

- 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 Andrew Woodman against the decision of Wiltshire Council.
 - The application Ref 20/05761/FUL, dated 10 July 2020, was refused by notice dated 15 December 2020.
 - The development proposed is described as '*Change of use of land into domestic garden, relocation of boundary fence closest to Gloucester Square access path and erect a new 2m high close boarded timber fence.*'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Appellant has raised some concerns over the ownership of parts of the land subject to this appeal. I am content that the requisite notifications have been carried out under the Planning Acts. This decision does not infer any rights or ownership of the land; which is a separate matter under the relevant legislation.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The street scene is characterised by two-storey dwellings laid out in short, terraced rows. No 54 Blackmore Road is an end of terrace dwelling. The street scene is characterised by areas of grassed soft landscaping between the built form. The appeal scheme seeks planning permission for the change of use of public open space to private residential curtilage and the erection of an approximately 2m high boundary fence at the front, side and rear of No 54 Blackmore Road, Melksham.
5. I saw during my site inspection that some works, including partial clearing of the site and the erection of a temporary 'Heras' style fencing had already taken place. These changes have resulted in the removal of an area of grassed landscaping between the previous closed boarded timber fence and the public footpath. This removal is at odds with the prevailing pattern of development in the area where there are areas of soft landscaping giving a spacious feel to the

- overall character of the area and the linkage between the built form and the nearby large areas of public open space.
6. Important to these networks across the wider housing development, is the adjacent public right of way MELK67. This is formed of a narrow strip of hardstanding linking between Blackmore Road and Devonshire Place. I note that amended plans were submitted which moved the proposed fence back around one metre from the edge of the public right of way. I also note that the appellant seeks to improve the general condition of this land by maintaining it in a way that it may not have been in the past.
 7. However, this fails to address the adverse impact the loss of this area of landscaping within the wider housing development has. The enclosure of this open area and its change to domestic garden would remove it from the public realm without the provision of any alternative area. Core Policy 52 of the *Wiltshire Core Strategy 2015* (WCS) requires that 'development shall make provision for the retention and enhancement of Wiltshire's green infrastructure'. The removal of this green infrastructure from the public realm has not been justified in this instance.
 8. Furthermore, this loss would not only be adjacent to the public footpath. The submitted drawings show the erection of a 2m high close boarded fence installed alongside the existing footpath kerb along Blackmore Road (as shown with a blue line on drawing 158/102 Rev b). This would result in the loss of further landscaping that faces onto the road, which would result in further harm to the character and appearance of the area.
 9. Accordingly, I find that the proposal would be contrary to core policies 52, 57 and 61 of the WCS, which, amongst other aims seek a high standard of design with development expected to create a strong sense of place. It would also be contrary to the policies of the *National Planning Policy Framework* including Paragraphs 98, 99, 100 and 111 which seek similar aims.
 10. The proposal would be contrary to the adopted development plan when considered as a whole and there are no material considerations which indicate a decision otherwise than in accordance with it. For the reasons given above I conclude that the appeal should be dismissed.

Cullum Parker

INSPECTOR