



Appeal Decision

Site visit made on 19 October 2021 by Ms S Maur

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2022

Appeal Ref: APP/D0121/D/21/3280560

Site Address: 1 Vian End, Weston Super-Mare BS22 9QD

- 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 Johnson against the decision of North Somerset Council.
 - The application Ref 21/P/0597/FUH, dated 14 February 2021, was refused by notice dated 17 May 2021.
 - The development proposed is the erection of replacement fence to boundary of property.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of replacement fence to boundary of property at 1 Vian End, Weston Super-Mare BS22 9QD in accordance with the terms of application Ref 21/P/0597/FUH, dated 14 February 2021.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The development has already been erected and therefore this appeal has been considered on this basis.

Main Issue

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

Reasons for the Recommendation

5. The appeal site is located within a residential setting, with a mixture of open plan and bounded frontages. There are modest areas of soft landscaping, however these are not an overriding characteristic of this area. There are a number of other examples of tall fencing to the side of properties within the area.
6. The erected fence is set further forward than the previous fence, with laurel hedging planted between the fence and the pavement. The fence is approximately 1.8-2m high and is of a similar height, type and degree of setback as other fences located to the side of dwellings within this area. As it is seen in this context it therefore does not erode the open nature of the estate to

any significant degree. Thus, it appears in keeping with the established character and appearance of the area.

7. For the reasons outlined above, the fence does not result in harm to the character and appearance of the surrounding area. This is not in conflict with Policy CS12 of the North Somerset Council Core Strategy (2017) and Policy DM32 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (2016) which seek to ensure that the siting, form, scale and height, of development, along with associated hard and soft landscaping are appropriate and respect the characteristics of the site and surrounding street scene. While a fence is a building, in this case it is not an extension or an outbuilding. Therefore, while referred to by the Council, Policy DM38 is not relevant to this appeal.
8. The development is also in accordance with the Supplementary Planning Document Residential Design Guide – Section 2 which seeks fences to help define private from public areas and be of an appropriate scale that makes a positive contribution to the character of the area and street scene.

Other matters

9. The erection of the fence has resulted in the effective loss of a parking space, which was at the rear of the property. However, off street parking is retained at the front which is sufficient for the size of the dwelling and its location and would allow an opportunity to avoid injudicious parking. I observed that traffic speeds and volume of traffic was typically low, as such, any impact on pre-existing visibility splays is not detrimental and adequate visibility for the road conditions could still be achieved. It is noted that the Council also did not have any undue concerns in this respect. There is no evidence to suggest that any trees that were lost, were protected and therefore this is not a substantive issue. Breaches of any covenants are not relevant to the planning merits of this case and are a separate matter.

Conditions

10. Because of its retrospective nature, conditions relating to the commencement of development or requiring it is constructed with the approved plans are not necessary. The area is set back from the edge of the pavement which has allowed for an area of landscaping, which has sufficiently softened the appearance. Requiring the removal of the area of the pre-existing driveway and additional planting would not result in any substantive benefits, given that a mix of hard and soft landscaping is in keeping with the character of the area.

Conclusion and Recommendation

11. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR