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# Appeal Decision

Site visit made on 12 April 2022

**by M. P. Howell BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Monday 9 May 2022**

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**Appeal Ref: APP/Y3940/W/21/3288445**

**Land on the west side of Semington Road, St Michael's Road, Melksham SN12 6HN**

- 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 Mrs Natasha Nicholas against the decision of Wiltshire Council.
  - The application Ref PL/2021/06935, dated 11 July 2021, was refused by notice dated 11 November 2021.
  - The development proposed is change of use of land to domestic curtilage with erection of fence.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as it provides a more concise and accurate description than that outlined on the Planning Application Form and the Appeal Form.

## Main Issue

3. The effect of the proposed loss of green infrastructure on the character and appearance of the area.

## Reasons

4. The appeal site is a reasonably large and open grassed area in a prominent position on a bend in the road to the side of 30 St. Michael's Road. No 30 is a semi-detached two storey property with the immediate surrounding area largely made up of residential dwellings of a similar scale, design and external finish to the appeal property. The properties have a fairly consistent building line, set behind front gardens and driveways, which are largely open with low-lying fences and walls. The open green space that forms the appeal site maintains the building line and openness at the curve in the road. The consistent building line together with low-lying fences, walls and pockets of green space results in an openness and this positively contributes to the character and appearance of the area.
5. The proposed development is to change the use of the appeal site to form part of the garden of No 30. A 1.8m close boarded fence would be erected along the northern and eastern boundaries. The fencing along the eastern boundary would run parallel with the edge of the pavement, set in from it by 0.5m.

Shorter sections of fencing and an access gate would be set back from the southern boundary of the site and the front elevation of No 30.

6. The prominent location of the fence along the eastern boundary, together with its height, length and close boarded design, would be uncharacteristic of the low-lying enclosures and open frontages, which characterise the surrounding area. Despite the modest setback from the pavement edge and the proposed soft landscaping, the fence would significantly reduce and encroach upon the open and spacious character to the side of No 30, forming a prominent and incongruous feature in an otherwise open street scene. The prominence of the fence on St. Michael's Road would exacerbate its impact, causing material harm to the character and appearance of the area. Such harm could not be acceptably mitigated through the use of planning conditions.
7. Accordingly, the proposal would have an unacceptably adverse impact upon the character and appearance of the area. As such, it is contrary to Policies CP52 and CP57 of the Wiltshire Core Strategy adopted January 2015 as well as Policy 12 of the Joint Melksham Neighbourhood Plan 2020-2026. These policies seek to ensure development is of a high standard of design, which has had regard to its context and local distinctiveness, as well as the retention or enhancement of existing green infrastructure. The proposed development is also contrary to the general design aims and policies for the protection of open space set out within the National Planning Policy Framework.

### **Other Matters**

8. The appellant has drawn my attention to an extended garden to the side of 1 St. Michael's Road. However, from what I saw on my site visit, the fence enclosure at No 1 is set further back from the front and side of the road and is a less prominent feature, which does not have such a detrimental impact upon the openness to the front of St. Michael's Road. The developments are not therefore directly comparable, and in any case, I have considered the appeal proposal before me on its own merits.
9. The appellant indicates that the appeal site is not maintained, cars are parked on the land and dogs foul in this location. The appellant has also indicated that if she can maintain the land, it would save the Council costs. Although I note the issues raised, from what I saw on my site visit, the land appeared to be maintained and positively contributes to the character and appearance of the area. Furthermore, saving the Council costs does not justify the proposal and that together with the existence of other areas of green space nearby does not outweigh the harm identified above.
10. I acknowledge that the delay in the determination of the application by the Council, together with a lack of negotiation on the proposals would have been frustrating for the appellant. However, the conduct of the Council and its decision not to negotiate are not issues that affect my findings on the main issue.
11. Though the appellant has indicated a willingness to reduce the size of the proposed garden area, as an attempt to overcome the concerns raised, alternative proposals are not before me. I have determined the proposal as shown on the plans submitted to the Council.

## **Conclusion**

12. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

*M. P. Howell*

INSPECTOR