



Appeal Decision

Site visit made on 7 March 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/J0405/W/21/3283886

18 Chequers End, Winslow, Buckinghamshire MK18 3HT

- 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 John Hankers against the decision of Buckinghamshire Council.
 - The application Ref 20/01621/APP, dated 22 September 2020, was refused by notice dated 9 June 2021.
 - The development is a repositioned boundary fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council refused planning permission it has adopted The Vale of Aylesbury Local Plan (September 2021) (LP). Former policy GP5 referenced in the Council's decision has, so far as relevant to this appeal, been replaced by LP Policy BE2. The appeal process has afforded suitable opportunity for comment on the implications of that policy change and on the new version of the National Planning Policy Framework (published 20 July 2021, the Framework).
3. The fence has been erected and therefore permission is sought retrospectively.

Main Issue

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

Reasons

5. Chequers End is a residential cul-de-sac characterised by similarly designed detached dwellings. Dwellings are arranged along a consistent building line and are set behind front gardens and drives, which combined with the general lack of boundary features to the front creates a spacious feel to the area. Where there are occasionally boundary treatments to the front these in the immediate vicinity of the site are very low brick walls. Whilst there are examples of fences in the wider estate, apart from the appeal site none are apparent within the Chequers End cul-de-sac.
6. The appeal property is located at the end of the cul-de-sac facing side on to the highway. Due to the orientation of the appeal property, its garden area lies adjacent to the highway. During my site visit I noted that the fence had been constructed and appeared to have enclosed most of the side garden. The fence

is located around a metre from the adjacent pavement with a sliver of grass in between. The fence projects forward of the neighbouring property, whereas the previous fence line would have been located some 3.8 metres further back and would have been more in line with the front elevation of the neighbouring property (which I am told broadly matched the line of conifers here which existed previously). Given its height, length and projections forward, the fence forms a large, obtrusive and incongruous feature which is at odds with the prevailing open character of the area.

7. Whilst the appellant has pointed to some examples of similar fences in the area these are within surrounding streets some distance away. Additionally, whilst these have retained a green strip between the fence and the pavement, they typically appear to follow adjoining boundary features and do not step forward of adjoining buildings. I do not consider that the existence of fences in other areas justifies the harm identified.
8. I note that reference is made within the Council's reason for refusal to the area of land being enclosed being designated amenity open space. This is disputed by the appellant. The Council have submitted drawings and the decision notice from what appears to be the original permission¹ for the estate however this does not appear to require the retention of this area as amenity space.
9. I have not been provided with any other evidence or information that would confirm the designation of the area as amenity open space. Nevertheless, areas of open space and grass verges are not uncommon in estate developments and were used to break up the built form. Whilst the area of land enclosed by the fence may not have a formal designation, as reasoned above it nonetheless positively contributes to the character and appearance of the area in terms of openness.
10. Accordingly, I conclude that the development harms the character and appearance of the area and conflicts with Policy BE2 of the LP which seeks, amongst other things, to ensure that development respects and complements the characteristics of the site and its surroundings. The appeal scheme would also not comply with paragraph 130 of the Framework that seeks good design sympathetic to local character.

Conclusion

11. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Tamsin Law

INSPECTOR

¹ WN/138/62