
Appeal Decision

Site visit made on 10 May 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25TH May 2022

Appeal Ref: APP/D0121/W/22/3292855

19 Lyndhurst Road, Weston-Super-Mare BS23 4JX

- 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 Ms Sophie Towler against the decision of North Somerset Council.
 - The application Ref 21/P/1435/FUH, dated 26 April 2021, was refused by notice dated 9 December 2021.
 - The development is 7.5ft fence erected around garden on one side near the main road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has already been carried out, consequently the application was retrospective. I have made my decision on the basis of the plans submitted to the Council and on which planning permission has been sought.
3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. The appeal has been considered accordingly.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area and the setting of Great Weston Conservation Area.

Reasons

5. The site is located within the setting of Great Weston Conservation Area where stone boundary walls contribute to its heritage significance¹. The site includes a stone boundary wall, which would ordinarily make a positive contribution as described. However, the development is of significant height and extent and significantly detracts from the nature of the original boundary. Whilst I acknowledge examples of fencing elsewhere in the conservation area and throughout its setting, it is clear that such fencing is deemed to be a form of inappropriate boundary treatment². Consequently, it should not be allowed to perpetuate.

¹ Page 9 of the Great Weston Conservation Area Appraisal and Management Plan (1. An Introduction) 2018

² Page 13 of the Great Weston Conservation Area Character Area Appraisal and Management Plan (Whitecross) 2018

6. Giving this matter considerable importance and weight in my decision it can be concluded that the degree of change to the conservation area's setting is limited and consequently any harm is less than substantial. Paragraph 202 of the National Planning Policy Framework sets out that where a development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. There are no public benefits advanced in this case with which to justify the development.
7. Overall, the development harms the character and appearance of the area and the setting of the Great Weston Conservation Area and does not accord with Policies CS5 and CS12 of the North Somerset Core Strategy 2017, Policies DM3 and DM32 of the North Somerset Development Management Policies Sites and Policies Plan (Part 1) 2016, the North Somerset Residential Design Guide Supplementary Planning Document 2013.
8. In addition, it does not accord with the Great Weston Conservation Area Character Area Appraisal and Management Plan (Whitecross) 2018, the Great Weston Conservation Area Appraisal and Management Plan (1. An Introduction) 2018 or Paragraph 202 of the National Planning Policy Framework. Among other things, these policies and documents seek to incorporate the statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

Other Matters

9. Whilst I note there have been letters submitted in support of the development, these do not change my assessment or conclusions under the main issue.

Conclusion

10. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR