



Appeal Decision

Site visit made on 18 May 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2022.

Appeal Ref: APP/P2114/D/21/3287708

Melrose, Seven Sisters Road, Whitwell, PO38 1XA

- 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. S Herbert against the decision of Isle of Wight Council.
 - The application Ref 21/01234/HOU, dated 12 June 2021, was refused by notice dated 15 September 2021.
 - The development proposed is proposed 2m high fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of development as set out in the decision notice as this more succinctly describes the proposal for which permission is sought.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The Council's reason for refusal indicates that the appeal site forms part of the St Lawrence Conservation Area (SLCA). Whilst there is no supporting conservation appraisal, the Council have provided a plan of the SLCA. Although this plan does not include any street names, it appears to indicate that the appeal site is located to the north of the designated area, with the northern boundary of the SLCA running along the southern boundary of the appeal site. I note from the Appellant's submission that they also consider the appeal site to be outside the SLCA.
5. Even so, paragraph 200 of the National Planning Policy Framework (July 2021) (Framework) requires regard to be had to any harm to the significance of a designated heritage asset (which includes Conservation Areas) from new development within its setting. I have, therefore, determined the appeal on this basis.
6. The appeal site is located to the south of Seven Sisters Road on the corner with Spindlers Road. It comprises a two storey property within a good sized plot. The northern boundary of the site, to Seven Sisters Road, is formed by a steep bank, which falls away quickly to the garden of the host and the host property itself. Part of the eastern (return) boundary of the appeal site fronts onto

Spindlers Road, which slopes down from Seven Sisters Road to the main vehicular and pedestrian access into the appeal site.

7. The surrounding area comprises a mixture of predominantly detached and semi-detached properties, with those to the west of the appeal site, on Seven Sisters Road, set back so that their gardens face onto the road. A number of these properties have off-street parking accessed from Seven Sisters Road itself. Although there are also some examples of boundary fencing on this part of the road, the predominant boundary treatments in the area are either hedgerows or stone walls or a combination of both.
8. The appeal proposal is for a two metre high boundary fence extending along the frontage of the appeal site to Seven Sisters Road as well as on part of the return frontage to Spindlers Road. Most of the existing boundary to Seven Sisters Road comprises low hedgerow, interspersed with some small wooden posts, albeit the hedgerow increases in height on part of the return frontage. The Council's Delegated Report indicates that the hedgerow appears to have recently been lowered, in some places, in height and density.
9. Within the above context, the scale, height, design and length of the proposed fence is, in my view, excessive and would be visually intrusive in this location. It would result in a hard and lifeless frontage to the appeal site, on what is a very prominent corner. As you approach the appeal site, in either direction, on Seven Sisters Road, the proposed fencing would visually dominate the streetscene, the northern side of which is formed by a steep bank of mature trees and hedging. The proposed fencing would harm the landscape quality and appearance of this part of Seven Sisters Road, which is a positive feature of the character of the area.
10. Whilst I appreciate that the proposed fence would provide security, privacy and to some extent greater safety, from cars parked too close to the steep bank, those considerations are not sufficient in themselves to outweigh the significant harm that I have identified above. Reference has also been made to the boundary fencing on other properties in the area. However, these examples are not, in my view, directly comparable to the appeal proposal in that most involve much shorter and lower stretches of fencing or are on boundaries that are less prominent visually or have been designed to be on a scale that is sympathetic to the local landscape character of the area.
11. In relation to the SLCA, the proposed fencing would appear, from the submitted Conservation Plan, to be sited to the north and west of and outside of the designated boundary, separated from it by existing properties, as well as other boundary treatment, trees and hedgerows. Consequently, I am not convinced that the appeal proposal would result in any harm to the setting of the SLCA.
12. Even so, as I have found above, the appeal proposal would result in significant harm to the character and appearance of the area, including its landscape quality, contrary to policy DM2 and DM12 of the Isle of Wight Core Strategy Development Management Development Plan Document (March 2012) (IWCS). These policies seek, amongst other requirements, to ensure that new development has regard to existing constraints including views, hedges and other features that contribute to the character of the area, and also seek to ensure that new development promotes, enhances and conserves the local landscape.

13. Whilst the Council have also referred to policy DM11 of the IWCS, in their reason for refusal, which deals essentially with heritage assets, I have not referred to any conflict with this policy given my finding that the proposal would not, on balance, result in any harm to the setting of the SLCA.

Conclusion

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all proposals for development to be determined in accordance with the development plan unless material considerations indicate otherwise. As I have found above, the appeal proposal would conflict with the relevant policies of the IWCS and there are no material considerations that justify making a decision other than in accordance with the development plan.
15. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR