



Appeal Decision

Site visit made on 13 September 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/D0121/W/22/3296016

47 Bristol Road Lower, Weston-Super-Mare BS23 2PX

- 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 Allen against the decision of North Somerset Council.
 - The application Ref 22/P/0081/FUL, dated 13 January 2022, was refused by notice dated 15 March 2022.
 - The development is described as 'Retrospective application for the replacement of a boundary fence fronting Kew Road and additional requirement to infill fence (as was installed previously) and to provide replacement gates.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although the address of the appeal property is as stated above, the development is at the rear boundary of the property which is on Kew Road. Works were underway when I carried out the site visit and fence panels were in place behind the wall. There were also free-standing metal panels screening the double gateway to the south and a high solid wooden gate in place to the north.

Main Issue

3. The main issue is whether the development preserves or enhances the character or appearance of the Great Weston Conservation Area.

Reasons

4. The appeal property is in the predominately residential Hillside character area of the Great Weston Conservation Area (CA). This area comprises grand Gothic style Victorian villas, in generous plots, constructed in Weston stone. This consistency in materials extends to property boundary walls. Although varying in detail, this distinct feature contributes substantially to the coherency of built form in the area, and as set out in the CA Character Area Appraisal,¹ appears an integral part of the special historic interest that strongly characterises this part of the CA.
5. I saw that these hard boundary features are complemented by mature vegetation at the boundaries of many properties surrounding the appeal property. There were few wooden panels visible at property boundaries that

¹ Great Weston Conservation Area Character Area Appraisal and Management Plan - Hillside

address the street in the wider area, with the panels at the appeal property being a notable exception in Kew Road.

6. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 197, the National Planning Policy Framework (the Framework), sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The boundary wall, subject of this appeal, is a considerable length given that it bounds a sizeable plot. Constructed in the characteristic Weston Stone it is in keeping with surrounding boundary walls. Through its length, appearance and position at the rise of the hill, it is a prominent and positive feature in Kew Road, and in this regard contributes to the special character of this part of the CA.
8. Although the fence panels are positioned behind the wall, a substantial section of each panel is visible above most of the length of the wall. The high, plain, wooden expanse of panels contrasts starkly with the characteristic walls and vegetation at surrounding properties. Consequently, this sizeable boundary treatment appears an incongruous and discordant feature in a road which otherwise generally comprises boundaries that contribute to the special character of the area and the significance of the CA. The development fails to preserve or enhance the character or appearance of the CA for this reason.
9. In light of the above the wooden fence has a harmful effect on the character and appearance of the CA. This effect is limited and localised and the harm caused to the significance of the CA as a whole is less than substantial. In accordance with the Framework this harm needs to be weighed against the public benefits of the proposal.
10. The development provides a secure boundary, but this benefit is limited to existing and future occupants of the care home, or occupants of the property were it to be in an alternative use in the future.
11. The panel fence in situ replaces a similar panel fence that was in a poor state of repair. Placing differences between this development and the original scheme aside, they both comprise wooden panels set above the wall. As I have found this to be an incongruous feature, the development in this regard replaces one negative feature with a similarly negative feature, albeit in a better condition, and this would be a very limited benefit for this reason.
12. I have found that the development fails to preserve or enhance the character or appearance of the CA for the reasons set out above. Whilst less than substantial in terms of the Framework, this harm is not outweighed by the limited benefits identified in this case.
13. I therefore conclude that the development does not preserve or enhance the character or appearance of the Great Weston Conservation Area. In this regard

it is contrary to Policies CS5 and CS12 of the North Somerset Council Core Strategy and Policies DM3 and DM32 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1. These collectively require that the design of new development should contribute to the creation of high quality, distinctive, functional and sustainable places, and when considering proposals within conservation areas, amongst other matters, seek to secure the retention of the existing buildings, features, hard and soft landscape that contribute to its special character.

14. It is also inconsistent with guidance set out in the Supplementary Planning Document Residential Design Guide – Part 2 and the Great Weston Conservation Area Character Area Appraisal and Management Plan, which seek high quality design and to protect the special character of the CA.

Other Matters

15. Whether or not a higher wall, as suggested by the appellant, would result in an acceptable boundary, this would be a different scheme to that considered by the Council and which is subject of this appeal. Moreover, details of an alternative scheme have not been submitted for consideration. I have therefore determined this appeal on the basis of the scheme before me.
16. I note that a boundary fence has been permitted at Weston-Super-Mare Golf Course.² However, this is a significant distance from the appeal property. It also bounds an open space and is separated from the residential area to the east by Uphill Road North. The circumstances in that case are therefore distinctly different and not directly comparable with this development, and I attach limited weight to this example in this appeal.
17. The wall piers would allow the proposed gates to be built separately from the panels. However visually the gates form part of the overall scheme shown on the submitted plan, so their acceptability may depend upon the wider boundary treatment. I am not satisfied for this reason that this component is easily severable so as a split decision would be an option in this case. I have not taken this course of action for this reason.
18. I do not doubt that the original fence was lawful. This aside, there are material differences between the image of the original fence and the scheme for its replacement. In particular the panel at the northern extreme of the wall now protrudes a significantly greater extent above the wall than the original fence. Vegetation that screened some of the original fence has also been cleared and the proposed layout plan is devoid of soft landscaping. Due to these differences, the prior existence of a similar boundary here does not lead me away from my earlier findings.
19. I have had due regard for the need to provide a secure boundary around a property currently used as a care home, and that this is necessary for the protection of vulnerable clients of the care home. However, it has not been demonstrated that this harmful scheme is the only means of addressing this need. Therefore, I am satisfied that in dismissing this appeal that I am not unduly disadvantaging clients of the care home. This matter has had limited weight in reaching this decision for this reason.

² Planning Permission Refs 18/P/2789/R3 and 20/P/1098/MMA

Conclusion

20. For the reasons stated above and having regard to the development plan as a whole, and all relevant material considerations, including the Framework, the appeal is dismissed.

A J Sutton

INSPECTOR