



Appeal Decision

Site visit made on 15 September 2022

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH October 2022

Appeal Ref: APP/J1860/D/22/3298076

21 Meadow Road, Malvern, Worcestershire WR14 2RZ

- 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 Natalie Ray against the decision of Malvern Hills District Council.
 - The application Ref M/22/00136/HP, dated 3 February 2022, was refused by notice dated 11 April 2022.
 - The development proposed is retrospective application for erection of a fence.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development from the Council's decision letter as it more succinctly describes the development than that which is contained on the planning application form and appeal form.

Main Issue

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

Reasons

4. The appeal site is a detached dwelling in a residential area of similarly styled properties. Dwellings are set back from the road by front gardens and driveways. There are walls and fences demarking boundaries but because they are low in height the general character is open plan. The neighbouring property, No 19 has a fence located at the back of the footpath, parallel to the road. However, the circumstances are different in that it screens a side garden positioned at the end of the row of houses.
5. The fence which has already been constructed runs across the width of the front garden parallel to but set back from the pavement by around one metre. Irrespective of the colour of the fence, its location, positioning, height, size and scale create an incongruous dominant feature that is highly visible within the street scene. The development is at odds with the open plan character of the area and the set back from the pavement does not ameliorate the impact.
6. Whilst the appellant has identified that there are many enclosed gardens with high fences and hedgerows in the area, it is not something I observed on my site visit. Taller fences appear where gardens run to the side of dwellings and in corner locations rather than the front of property boundaries as is the case

with the appeal site. It is this which distinguishes the neighbouring property No 19 from the appeal property. The impact on the character and appearance is consequently different and is why the presence of the fence at No 19 does not set a precedent, as suggested by the appellant.

7. The development may not impact on sight lines and therefore impact on road safety. However, this does not outweigh the harm to the character and appearance of the area. Similarly, the absence of objection from neighbours does not make the development acceptable.
8. The appellant makes reference to a 2 storey extension granted planning permission at No 23. However, the schemes are different in nature and therefore not comparable.
9. The development would harm the character and appearance of the area and therefore would conflict with the part of Policy SWDP21 of the South Worcestershire Development Plan which expects new development to be of a high design quality that integrates effectively with its surroundings and that the siting and layout should reflect the characteristics of the site and must complement the character of the area.

Conclusion

10. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR