



Appeal Decision

Site visit made on 3 October 2022

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/Q4625/W/22/3299905

51 Hansell Drive, Dorridge, Solihull B93 8RG

- 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 Georgina Falzon against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/01704/MINFHO, dated 3 June 2021, was refused by notice dated 17 March 2022.
 - The development is the erection of a new 1.95m high timber close board boundary fence.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description on the application form was within a larger statement which went beyond describing the development. I have extracted the relevant sentence, describing the development, from the planning application form and have used that in the heading above.

Main Issue

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

Reasons

4. The appeal site comprises a house and its garden located on a prominent corner plot in a residential area containing similar houses. A large proportion of nearby houses have open frontages and where boundaries are defined, it is by soft landscaping including trees and hedging. There are some examples of boundaries being marked by timber fencing. However, this is either low level, open fencing or where higher close boarded fencing is used, it is set back from the pavement. This development is for a tall boundary fence at the side of the house near to the back of footpath.
5. The fence is positioned close to the footpath which combined with its prominent corner position, height, length and solid appearance, means that it has a significant adverse effect on the generally open character and appearance of the area. This is in stark contrast to other nearby boundaries including other high fencing which is set further away from the footpath.

6. The appellant has drawn my attention to a number of examples of other fences and I have been provided with case references details. However, having looked at these examples, some of which I viewed on site, most are not located close enough to the appeal site such that they form part of the character and appearance of the surrounding area. I therefore attach limited weight to these and in any event, I must determine the appeal before me on its own merits. There were two examples identified which were nearer to the site. 32 Cheedon Close is opposite the site and has a similar height fence but unlike the development it is set back from the footpath minimising its effect on the character and appearance of the area. 1 Debden Close does not form part of the immediate context of the appeal site, though it is nearby. However the boundary treatment at number 1 does not reflect the predominant character and appearance of the area and also differs from the development as the boundary treatment is set away from the highway which results in a much wider footpath than exists next to the appeal site, lessening the effect of the boundary treatment there. Neither of these other examples are therefore directly comparable to the development before me.
7. The appellant has suggested that the fence could be screened by planting including climbing plants controlled by a planning condition. However, the proximity of the fence to the footpath means that there is insufficient room for shrubs or hedges as recommended in the Council's House Extension Guidelines, Supplementary Planning Document 2010 (SPD), to adequately mitigate the harm resulting from the fence. Climbers are not suggested in the guidance and would not be of suitable density to screen the fence.
8. I conclude that the development has a significant harmful effect on the character and appearance of the area. It is therefore contrary to Policy P15 of the Solihull Local Plan Shaping a Sustainable Future adopted December 2013 (SLP), The Knowle, Dorridge and Bentley Heath Neighbourhood Plan 2018-2033 made April 2019, and relevant policies of the National Planning Policy Framework. It is also contrary to the guidance in Policy D1 of the Council's SPD and guidance contained within the Planning Practice Guidance. These policies and this guidance, amongst other things, seek to protect visual amenity, the character and appearance of an area, and to achieving good design.
9. The Councils reason for refusal also refers to Policy P10 of the SLP which relates to climate change, the natural environment and conservation of biodiversity. Given the nature and scale of the development and the concerns raised by the Council, Policy P10 does not appear to be directly relevant, and I have not therefore had regard to it.

Other Matters

10. I note that there is some support for the development from a nearby neighbour who considers that the fence is an improvement when compared to the previous conifer hedging which, due to its height, resulted in a loss of light to an adjacent property and caused an obstruction to the highway due to overhanging. However, the hedging is no longer in place and any benefits arising from the development when compared to previous boundary treatments, do not outweigh the harm that I have identified to the character and appearance of the area.
11. I note that there was no highway objection to the development. However, this is a neutral factor rather than one that weighs in favour of the development.

12. The appellant states that the new fence provides security and safety for family members and provides more light to the house and garden. However, these benefits could also be achieved by alternative boundary solutions or security measures, and in any event, these benefits do not outweigh the harm that I have identified.

Conclusion

13. For the reasons given above, having regard to the development plan as a whole and all matters raised, I conclude that the appeal should be dismissed.

S Crossen

INSPECTOR