



Appeal Decision

Site visit made on 14 February 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2023

Appeal Ref: APP/V3310/D/22/3304699

1 Walnut Drive, Bridgwater, Somerset TA6 5DD

- 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 Martin Harris against the decision of Sedgemoor District Council.
 - The application Ref 08/22/00078, dated 30 May 2022, was refused by notice dated 4 August 2022.
 - The development is erection of boundary fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made retrospectively. The proposed development has already been implemented.

Main Issue

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

Reasons

4. 1 Walnut Drive (No 1) occupies a corner plot within an established residential area. A key feature of the housing estate are the open and grassed areas around road junctions, contributing to an open, spacious character and appearance as appreciated from the street. Alderney Road is to one side of the appeal site, and a pathway providing pedestrian links to Wye Avenue, access to gardens and links to other areas of the estate runs along the front boundary.
5. As a result of its position on the edge of the pavement, solid nature, materials and height, the fence is prominent in views along Alderney Road and from its junctions with Walnut Drive, and from the pedestrian pathway. It is a dominant and incongruous form of development that is at odds with the open character of the street scene, particularly as experienced from Alderney Road which comprises dwellings set back from the carriageway, with verdant, generally open frontages. The effect is a scheme that lacks a sense of subtlety with an overpowering presence that causes harm to the character and appearance of the area.
6. Whilst I have not been provided with any specific case examples, during my site visit I noticed a variety of boundary treatments and a degree of enclosure to gardens, including along Walnut Drive. However, these are set away from

the junction with Alderney Road and, as such, do not have a visual impact which is directly comparable with the appeal fence.

7. For the above reasons, I conclude that the boundary fence causes significant harm to the character and appearance of the area. It is, therefore, contrary to Policy D2 of the Sedgemoor Local Plan 2011-2032 which, amongst other things, requires high quality sustainable and inclusive design that responds positively to and reflects the particular local character of the site. It is also contrary to paragraph 130 of the National Planning Policy Framework which requires, amongst other things, that developments are visually attractive.

Other Matters

8. I note the letters of support and appreciate that the fence may be well maintained, keep dogs off the garden and may not impair the visibility at the road junction, however, any such benefits would be small and do not overcome my concerns about the appearance of the fence within the street scene.
9. I am told by the appellant that people they have spoken to support the proposal. However, I am cognisant of representations received as part of the application process which includes comments from those opposed to the development and, in any case, any such support is not a reason in itself to allow a development that is unacceptable.
10. The appellant details that the fence enclosing the garden is required to enable access to the space by a disabled family member, and that it is also required for security. The limited evidence before me indicates that a private enclosed space is required for private exercise, leading to the desire for a larger enclosed garden area. This is a personal circumstance to which I afford weight in favour of the appeal.
11. I have given due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to the provisions of the Human Rights Act 1998.
12. However, in weighing the personal circumstances in the balance, this has to be considered against the unacceptable effect the development has on the character and appearance of the area. I have no evidence before me to conclude that the fence that has been erected is the only option for providing appropriate privacy and security at the site, or that the protection of the public interest cannot be achieved by means that are less interfering of the appellant and their family member's human rights. I afford moderate weight to the personal circumstances put forward. However, as identified above, the development causes significant harm to the character and appearance of the area and, as such, these personal circumstances do not outweigh the unacceptable effect of the development. In this regard, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that developments are visually attractive and respond positively to local character. Therefore, while these are material considerations that weigh in favour of the appeal scheme, they do not outweigh the harm I have identified previously.

Conclusion

13. The proposal conflicts with the development plan as a whole and there are no material considerations identified, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR