



Appeal Decision

Site visit made on 2 March 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2023

Appeal Ref: APP/X0415/W/22/3307797

29 Wendover Road, Burnham, Buckinghamshire SL1 7ND

- 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 Amar Groodoyal against the decision of Buckinghamshire Council.
 - The application Ref PL/22/1915/FA, dated 26 May 2022, was refused by notice dated 3 August 2022.
 - The development proposed is described as a retrospective application for the addition of an artificial hedge and increasing the height of a fence.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development is already in place, and I have dealt with the appeal on the basis of its retention.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers, with particular regard to the outlook from, and availability of light to, 27 Wendover Road ('No 27').

Reasons

Character and appearance

4. The host is a two storey dwelling which is set back from Wendover Road. The houses mostly have landscaped front gardens or parking forecourts, and their plot boundaries are denoted by a conventional mix of fairly low walls and fences, along with hedges, some of which are taller. This suburban area thus broadly accords with the description in the Chiltern and South Bucks Townscape Character Study (2017) of boundary treatments which are fairly consistent and low in height.
5. The scheme comprises of a close boarded timber fence, which is commonplace in the area, but with an artificial hedge above. As depicted on the drawings, the top of the artificial hedge is roughly level with the sill of the host's gable window. At that height, it is much taller than any nearby walls or fences that I observed.

6. However, although there are some similarly tall landscaped boundaries nearby, including to the rear of the appeal site at Penhale Place, the artificial hedge lacks the texture and depth of a hedgerow, and the uniform turquoise colour of its 'foliage' stands out compared to the varied brown/green hues typical of natural landscaping.
7. Whilst the artificial hedge is located towards the rear of the side boundary, it is still clearly visible from Wendover Road where, given the combination of its height, form, texture and colour, it stands out as incongruous in the streetscene. Although the occupants of 31 Wendover Road ('No 31') support the scheme, the visual harm that it causes is also apparent from No 27.
8. Summing up, whilst the close boarded timber fence is not out of place, the artificial hedge has significantly harmed the character and appearance of the area. Thus, on this issue, the scheme conflicts with Policy EP3 of the South Bucks District Local Plan (2011) ('SBDLP'), and Core Policy 8 of the South Bucks LDF Core Strategy (2011). Amongst other things, these require a high standard of design which is compatible with the character of the area, having regard to matters including height and materials.
9. For similar reasons, it conflicts with Section 12 of the National Planning Policy Framework ('Framework') which requires the creation of high quality places and visually attractive architecture which is sympathetic to local character; and with the advice regarding well-designed and integrated development at C1 of the National Design Guide.

Living conditions

10. No 27 has a clear-glazed, opening first floor bedroom window, facing the appeal site. The bottom of that window is roughly in line with the top of the artificial hedge, but it is some distance from it, and there is a clear view out from there looking over the top of it. The bedroom is also served by a second window, which has a largely unrestricted outlook over No 27's rear garden. As a result, whilst the scheme appears visually discordant from the bedroom, it has not harmfully affected the living conditions within it as a result of an overbearing impact, or a significant reduction in natural light.
11. At ground floor, No 27 has a kitchen/utility room, with largely glazed elevations. The timber fence is clearly visible from there, but given its modest height and its materials, its impact is limited and typical of suburban areas. As that room has a solid roof, and given the presence of a car port, the artificial hedge is not prominent from there, and despite its height it does not have an overbearing impact.
12. For similar reasons, on the basis of the available evidence, I am not persuaded that the scheme has had a significant impact on the availability of natural light within the kitchen/utility room; nor, having regard to the sun's trajectory and No 27's location to the west of the appeal site, that it has caused significant overshadowing.
13. The scheme has not therefore impacted the living conditions at No 27 to a harmful degree. On this issue, it does not therefore conflict with those parts of SBDLP Policies EP3 and EP5 which set out that development should not adversely affect the amenities of neighbouring properties, or result in a significant loss of daylight or sunlight to them.

Other matters

14. In its favour, the artificial hedge requires less upkeep than vegetation. The appellant states that the scheme is also necessary to prevent overlooking of his property from No 27's bedroom window, and to protect the privacy of him and his family. The occupants of No 31 also support it as it prevents overlooking of their rear garden. In that regard, the scheme does improve the living conditions in those properties.
15. However, I understand that the scheme replaced a tree which formerly provided some screening, and I observed on my visit that espalier trees are growing above the height of the fence on the appellant's land along this section of the boundary. Thus, I am not persuaded that this scheme is the only way in which overlooking concerns could be addressed. I therefore give only limited weight to that benefit to those occupants.

Planning Balance and Conclusion

16. Summing up, the scheme has not impacted the living conditions at No 27 to a harmful degree. However, the significant harm that it has caused to the character and appearance of the area is not outweighed by the benefits to the occupants of No 29 and No 31.
17. The scheme conflicts with the development plan when considered as a whole and, having regard to all other matters raised, including representations in favour and opposed to the scheme, the appeal is therefore dismissed.

Chris Couper

INSPECTOR