



Appeal Decision

Site visit made on 22 March 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 18 April 2023

Appeal Ref: APP/J0405/D/22/3312177

1 Eider Close, Buckingham, Buckinghamshire MK18 1GL

- 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 Ian Keen against the decision of Buckingham Council.
 - The application Ref 22/02736/APP, dated 1 August 2022, was refused by notice dated 27 September 2022.
 - The development is described as the erection and extension of a fence to replace an old brick wall to maintain privacy and security to the adjacent footpath.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The fence subject of this appeal has been erected and forms part of a boundary between 1 Eider Close and a footway linking Eider Close with Moorhen Way. The appellant claims that the fence is required to both maintain and improve the privacy and security of the host property.
4. Along the north side of the footway is a strip of land which includes planting comprising grass, shrubs and trees. Beyond this landscaped strip is a boundary wall and the flank wall of a garage. Between the footway and the boundary with No. 1 there is a grass verge and a strip of white stones. The original planting was removed by the appellant because of its poor condition and the accumulation of litter. The appellant's intention is to replant the remaining strip between the current fence and the grass verge.
5. Within the surrounding residential area there is a predominance of brick walls as the interface between footways and dwellings. As identified by the appellant, there are examples of timber fences having been erected, including where rear gardens interface with a near-by public right of way. Other than this public footpath, elsewhere within the surrounding residential development the footways that are bounded by fences generally have wide landscaped verges along either side which creates a sense of spaciousness and also provides a verdant character along these routes.

6. From what was observed during the site visit, the surrounding residential area is generally characterised by a landscaped strip between the flank walls or boundary walls of the properties and any footway, which includes the pedestrian route between Mallard Drive and Eider Close. These landscape strips are of varying widths but they create a sense of spaciousness and also provides a verdant character along these footways. The unenclosed front gardens of the dwellings also contribute to the openness of the surrounding area.
7. The fence which has been erected to the side of No. 1 is sited adjacent to the footway and its dog-leg alignment encloses a timber shed which has also been erected. Although there are examples of boundary fences within the surrounding area, the siting of the appeal scheme closer to the footway than the wall it replaced and the property's flank wall, its height and its dog-leg alignment creates an incongruous and visually prominent boundary feature when walking along the footway and also when viewed from Eider Close. In addition, the fence does not reflect the predominance of brick walls being sited adjacent to footways which is the predominant interface boundary treatment within the surrounding area.
8. Further, the appeal scheme is inconsistent with there being a landscaped strip adjacent to footways. There is not a significant strip of land between the footway and the fence to enable the replanting intended by the appellant to soften the harsh appearance of the fence. Accordingly, for the reasons given the siting and alignment of the fence fails to respect and complement the spacious and verdant character of the surrounding residential area.
9. The appellant has referred to fences which have been erected, including through the granting of planning permission (19/04192/APP and 17/03325/ACL). However, the full planning circumstances of these other schemes have not been provided and, for this reason, only limited weight is given to them in the determination of this appeal. The detailed responses of the appellant to the comments made in the Planning Officer's reports and by consultees about the development have been carefully noted but they do not change the assessment of the appeal scheme which has been undertaken.
10. Accordingly, it is concluded that the development causes unacceptable harm to the character and appearance of the surrounding area and, as such, it conflicts with Policy BE2 of the Vale of Aylesbury Local Plan. Amongst other matters, this policy requires development to respect and complement the physical characteristics of the site and its surroundings and the local distinctiveness and vernacular character of the locality.

Other Matters

11. The appellant has raised concerns about the procedure adopted by the Council in determining the appeal application. However, these concerns are not for determination as part of this appeal. Matters related to the extent of the appellant's ownership, the curtilage of the property and whether there are permitted development rights available are not for consideration as part of this appeal. Accordingly, it is concluded that this appeal should fail.

D J Barnes

INSPECTOR