



Appeal Decision

Site visit made on 26 April 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/J9497/D/23/3314111

2 Maple Lodge, Moor Park, Chagford, Devon TQ13 8BY

- 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 Graham Flight against the decision of Dartmoor National Park Authority.
 - The application Ref 0324/22, dated 9 July 2022, was refused by notice dated 21 October 2022.
 - The development proposed is erection of a new garden fence less than 2 metres from the road and footpath.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the development was started in May 2022 and at the time of my visit I saw that the works to the garden fence were complete. I note that the application has been dealt with retrospectively. I have dealt with the appeal on that basis.

Main Issue

3. The main issue is whether the development preserves or enhances the character or appearance of the Chagford Conservation Area (CA).

Reasons

4. The appeal site is within the CA where there is a statutory duty to pay special regard to the desirability of preserving or enhancing the character or appearance of the conservation area; and where great weight should be given to the asset's conservation. The CA is characterised by its narrow streets and low-level terraced buildings set at the back of pavements that provide a prevailing sense of intimate enclosure within the small Stannary market town. Granite boundary walls tend to enclose and define public spaces, and cast-iron railings are a significant feature in many streets which add a dignified air to the character of the buildings behind them. The Council's Dartmoor National Park Design Guide 2011 (DG) says that the choice of boundary treatments offers important opportunities to reinforce the local Dartmoor character of development and integrate it with its surroundings.
5. The fence that fronts and provides privacy for the host property is constructed from a recycled composite material behind flower beds and includes trellis work to accommodate climbing plants, flowers and shrubs. It has been angled back from the road to increase visibility for traffic exiting onto Lower Street. However, even if the plants, flowers or shrubs were maintained, the relatively tall fence has a stark and imposing design, eroding views into and out of the close-knit and open layout

of buildings that surround it. Even if a previous hedge were taller than the development, the fence nevertheless introduces an unduly prominent and materially uncharacteristic feature that fails to integrate with the traditional pattern of development within the CA.

6. The development therefore causes less than substantial harm to the significance of the CA. Whilst this harm would be at the lower end of any scale, under paragraph 202 of the National Planning Policy Framework (the Framework) it is still necessary to balance it against the public benefits of the development. Although there may be limited public benefits where the fence is constructed from recycled materials, these are not sufficient to outweigh the harm I have identified above.
7. Therefore, I conclude on the main issue that the proposal fails to preserve or enhance the character or appearance of the CA. Consequently, the development conflicts with policies SP1.1, SP1.2, SP1.5, SP2.1, SP2.7 and P3.7 of the Dartmoor Local Plan 2018-2036 (DLP); the advice contained within The English National Parks and The Broads UK Government Vision and Circular 2010, and the Council's DG which together in this respect seek to deliver distinctive high quality design that conserves and enhances the setting, character and local distinctiveness of designated heritage assets and settlements. The proposal also conflicts with section 16 of the Framework, which seeks to conserve and enhance the historic environment.
8. There is no evidence to suggest any conflict with policies SP1.3 or SP1.7 of the DLP as these relate to the Council's spatial strategy and residential amenity respectively. As I have found the fence to be sustainably constructed, I have been provided with no reason to find conflict with Policy SP1.6 of the DLP. Given the appellant's additional planting I find there to be no conflict with Policy SP2.2 of the DLP.

Other matters

9. Whilst there may have been verbal approval from local residents and minor benefits associated with the plants, flowers and shrubs; and improved visibility for drivers of cars pulling out onto Lower Street through the removal of a previous hedge, any such benefits do not outweigh the harm I have identified in respect of the main issue above.
10. Furthermore, in respect of Policy SP2.2 I have not been provided with any substantive evidence to demonstrate the development harmfully affects biodiversity or geodiversity. A lack of harm is neutral and weighs neither for nor against the development

Conclusion

11. For the reasons above, and taking into account all other matters raised, I conclude that the development fails to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR