



Appeal Decision

Site visit made on 31 May 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 20th June 2023

Appeal Ref: APP/U1105/D/23/3317817

Touch Wood, 3 Hylands Close, Higher Broad Oak Road, West Hill, EX11 1XJ

- 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 Nigel John against the decision of East Devon District Council.
 - The application Ref:22/2253/FUL dated 10 October 2022, was refused by notice dated 22 February 2023.
 - The development is described as retrospective application to retain 1.8 m fence to front of property bordering turning area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application forms confirm that the fence was started and completed prior to the date of the application. I shall therefore consider this appeal as one made for retrospective planning permission for development as originally carried out, namely for the erection of a 1.8 m fence to front of property bordering turning area.

Main Issue

3. The main issue in this appeal is the effect of the fence on the street scene.

Reasons

4. The appeal property is a detached dwelling at the cul de sac end of a small development of detached properties, leading off Higher Broad Oak Road, in a predominantly residential area. The low density detached housing within the immediate and wider locality is generally set on good sized plots and there is a very verdant character and appearance to the local area, both as a result of planted front gardens and green verges. With very few exceptions, fences are not a frontage feature in the street scene.
5. The fence as erected is a 1.8m feather edged, close boarded fence which wraps around the frontage of the appeal site, with a vehicular gate and pedestrian gate. The fence as erected, as a result of its position, height and appearance, presents a heavy and solid appearance to the front boundary which is a very discordant feature compared with the more open and verdant frontages close to the appeal property and in the local area. The solidness of the fence,

unrelieved by planting, stands out as a visually intrusive feature in the attractive and verdant street scene.

6. Where a small number of fences are seen, these are generally softened with planting between the fence and the frontage to provide a more verdant appearance which is more in keeping with the residential street scene. No such proposal has been included and I am not persuaded on the basis of the evidence before me that there would be scope to include for such planting in this case, because of the position of the fence so close to the kerb edge.
7. The fence as erected does not respect the verdant street scene. It conflicts with Policy D1 (Design and Local Distinctiveness) of the East Devon Local Plan 2013-2031 and Policy NP26 (West Hill Design) of the Ottery St Mary & West Hill Neighbourhood Plan as well as the National Planning Policy Framework and in particular Section 12, all of which amongst other things, seek a high quality of design which respects the local context.
8. I have taken into account the matters raised by the Appellant. As indicated above, I have noted and seen on my site visit the small number of examples of fences in the local area which are present within the street scene. However, they do not directly compare with the situation before me and do not therefore persuade me to a different view, given the harm I have concluded.
9. I appreciate the Appellant's concerns regarding privacy in his side garden, but I am not persuaded that there would not be other boundary solutions which would both secure privacy whilst respecting the street scene. Matters relating to title deeds and restrictive covenants are a separate matter, not directly related to planning issues.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR